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L A W S

OF

THE STATE OF ILLINOIS.

PASSED BY THE

NINETEENTH GENERAL ASSEMBLY,

CONVENED JANUARY 1, 1855.

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SPRINGFIELD:  
LANPHIER & WALKER, PRINTERS.  
1855.



# PUBLIC LAWS.

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AN ACT for the suppression of intemperance, and to amend chapter 30 of the Revised Statutes.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That no person shall, at any time or place, within this state, manufacture or sell, or shall, at any store, grocery, tavern or place of trade, entertainment or public resort, or railroad or canal, or in any of the appurtenances or dependencies of any such place, give away, contrary to the provisions of this act, by himself, his servant or agent, directly or indirectly, any spiritous or intoxicating liquor, or any mixed liquor, of which a part is spiritous or intoxicating, except as hereinafter provided; and ale, porter, lager beer, cider, and all wines, are included among intoxicating liquors within the meaning of this act.

Sale of intoxicating liquors prohibited.

§ 2. Nothing contained in this act shall be construed to forbid the making of cider from apples, or wine from grapes, currants or other fruit grown or gathered by the manufacturer, in this state, or the selling of such cider or wine, in quantities not less than one gallon, if made in this state, by the maker thereof; nor shall anything herein prohibit the brewing of ale, porter or lager beer, if manufactured in this state, and exported and sold in not less quantities than thirty gallons, without the limits of the same; and the person or persons manufacturing or selling such ale, porter or lager beer shall have first given bond as required by the third section of this act of persons engaged in the manufacture of alcohol or high wines; and any other manufacture or sale of such wine, cider, ale, porter or lager beer shall be deemed an unlawful [sale] within the meaning of this act.

Not to extend to cider and wine manufactured in the state.

§ 3. Nothing in this act shall be construed to forbid the sale, by the importer thereof, of foreign spiritous or intoxicating liquors, imported under the authority of the laws of the United States regarding the importation of such liquor, and in accordance with said laws: *Provided*, that

Not to extend to imported liquors when not sold in less quantities than 30 gallons.

proviso.

the said liquor, at the time of sale by said importer, remains in the original casks or packages in which it was by him imported, and in quantities in which the laws of the United States require such liquor to be imported, and is sold by him in said casks or packages, and in said quantities only; and the custom house certificate of importation, and proof of marks on the casks or packages in which such liquor is contained, corresponding thereto, shall not be received as evidence that the liquor contained in such packages is that actually imported therein: *Provided*, that nothing in this act contained shall be construed to prevent the manufacture of alcohol and high wines, if not adapted to use as a beverage, provided the same be exported out of this state in quantities not less than thirty gallons. No license shall be required to manufacture such liquor for exportation and sale as aforesaid, but such manufacturer shall be required to give bond, as provided in case of other manufacturers, so far as applicable.

Proviso.

License when and by whom granted to Manufacturers.

Licensed persons to give bond.

§ 4. The county court of any county, or in counties having township organization, the board of supervisors may, by certificates signed by two-thirds of the judges, or by two-thirds of the boards of supervisors, give all persons who shall, in writing, apply to them therefor, authority to manufacture, at such places only within said county as said court or board of supervisors shall, in said certificate, designate, spiritous or intoxicating liquors, and to sell the same in those places only, to duly authorized agents of cities, towns and counties in this state; but such authority shall not continue, in any case, longer than one year from the date of the certificate in that case given, and may be at any time revoked by said court or board of supervisors; and no person shall receive such a certificate, or exercise such authority, until he shall have executed and delivered to the treasurer of said county a bond, with at least two good and sufficient sureties, in a sum not less than one thousand dollars nor more than ten thousand dollars, as said county court or board of supervisors shall require, conditioned that he will not, at any time during the year next following the date of his said certificate, infringe in any manner or degree any provision of this or any law of this state touching the manufacture or sale of spiritous or intoxicating liquors. If any person so authorized and bound shall break the condition of such bond, said bond shall forthwith be put in suit; his said certificate and authority shall instantly become void, and he shall not thereafter be permitted to manufacture or sell any spiritous or intoxicating liquor, and shall moreover be subject to all the penalties herein provided against the manufacture, sale or giving away spiritous or intoxicating liquors contrary to the provisions of this act. The county court or board of su-

supervisors shall not have the power to grant such authority to manufacture liquor for the purpose aforesaid, within the limits of any incorporated town or city in this state; but such authority may be granted and certificates issued by the common council of said city or the president and trustees of said town, in the manner and upon the conditions above specified as applicable to the county court or board of supervisors, and the bond required shall be made payable to the treasurer of said town or city.

§ 5. The mayor and aldermen of any city may, within such city, the president and trustees of any incorporated town may, within such town, the board of supervisors, in counties having township organization, may, within townships not within a city or incorporated town, and in counties not having township organization, the county court may, in any precinct without the limits of any incorporated town or city, as hereinafter provided, at any meeting of their board, court or body, duly convened, upon reasonable notice to every member thereof, appoint some suitable person or persons as agent or agents of said city, town or county, for the purchase of spiritous and intoxicating liquors, and for the sale thereof within such city, town, township or precinct, for sacramental, medicinal, chemical and mechanical uses only; which such agents may be removed and others appointed in their stead, at pleasure, by the body appointing, or their successors in office, or a majority of them; but no more than one agent shall be appointed in any town, township or precinct containing less than two thousand inhabitants, and not more than two in any incorporated town, city, township or precinct containing less than ten thousand inhabitants, and not more than three such agents in any city, except the city of Chicago, and not more than five such agents shall be in office at the same time in the said city of Chicago. The county court of the counties which have not adopted the township organization, at any regular meeting of the court for the transaction of county business may, in their discretion, upon the petition of a majority of the legal voters of any precinct, not being an incorporated town or city of the state, or in the limits thereof, appoint one such agent for said precinct. No inn-keeper, or keeper of a public eating house, or of a house of public entertainment, shall be appointed such agent. Every such agent shall hold his office for one year, unless sooner removed; he shall sell such liquor only in the one place designated in writing by the body appointing him; he shall, in the purchase and sale of such liquor, conform to such rules and regulations as the said body appointing him shall prescribe, not inconsistent with the provisions of this act; he shall keep an accurate account of all his purchases and all his sales, specifying in such account the kind,

License to sell,  
when and by  
whom granted.

County court.

Duties of agent

quantity and price of the liquor bought by him, the date of each purchase made by him, and the name of the person of whom such purchase was made, the kind, quantity and price of liquor sold by him, the date of each sale made by him, the name of the purchaser at every such sale, and the use for which the liquor on every such sale was sold, as stated by the purchaser, and of all forfeited liquor by him received and sold or destroyed; which account shall be at all times open to the inspection of the body appointing such agent, or any member thereof; and when required by said body, or a majority of them, he shall account with them regarding all his dealings as such agent, and exhibit to them all receipts, bills, books, papers of every kind, relating to such dealings, or to his accounts; he shall sell such liquor at not more than twenty-five per cent. advance upon the cost thereof, and shall, when required by the body appointing him, pay over the proceeds of his sales to the treasurer of the body so appointing him, and he shall semi-annually, or oftener, if required by the body so appointing him, make a report, verified by his oath or affirmation, of all his purchases, and the costs thereof, and of his sales, and the proceeds thereof, specifying the number of sales, the respective quantities and kinds sold for each of the purposes of sacramental, medicinal, chemical and mechanical uses, and the quantity and kind and cost of all liquors remaining on hand at the time of such meeting; and of all forfeited liquors by him received and sold or destroyed; which report, however, shall not specify the names of the persons to whom his sales may have been made. He shall receive for his services such

Compensation.

fixed and stipulated compensation as said body appointing said agent shall prescribe, but the amount of said compensation shall not be increased by reason of any increase or diminution of the sales of such liquor by such agent, and he shall not be in any way, except as one of the inhabitants of the city, town, county or precinct, interested in said liquor, or in the purchase or sale thereof, or in the profits thereon; and no such agent shall be authorized to sell or give away any spiritous or intoxicating liquors, or any such liquors mixed with soda water, or any other compound, liquid, or otherwise, to be drank, taken or used as medicine or otherwise, in their shop, store or place of business, or in any of the appurtenances or dependencies thereof; but any such sale or giving away shall subject the said agent to the same penalties provided for the sale or giving away of liquors contrary to the provisions of this act. If

Penalty.

any person purchasing any spiritous or intoxicating liquor of such agent shall intentionally make to such agent any false statement regarding the use to which such liquor is intended by the purchaser to be applied, such person so offending shall, upon conviction thereof, forfeit and pay a fine of

fifty dollars, together with costs of his prosecution, to be recovered by an action of debt, before any justice of the peace, or, if the offence is committed within a city, police magistrate of any such city, or by indictment in the circuit court of the proper county. Every such agent shall receive, from the body appointing him, a certificate authorizing him as agent of said town, city or county, as the case may be, to sell at the place mentioned in such certificate, spiritous or intoxicating liquors for sacramental, medicinal, chemical and mechanical uses only; which said certificate, when granted by any common council of a city, or president and trustees of a town, or county court, or board of supervisors, shall be issued by the clerks of said bodies, respectively, attested by their common or corporate seal, or in case there is no such seal, then by the private seal of said clerk. Said agent shall not receive any such certificate, or exercise his office, until he shall have executed and delivered to the body appointing him, for the use of the city, town or county appointing him, a bond, with at least two good and sufficient sureties, approved by said body appointing him, in a sum not less than six hundred dollars, in substance as follows:

"Know all men that we, \_\_\_\_\_, as principal, and \_\_\_\_\_, as sureties, are held and firmly bound to \_\_\_\_\_, in the sum of \_\_\_\_\_ dollars, to be paid to said \_\_\_\_\_, to which payment we bind ourselves, our heirs and executors, and administrators, firmly by these presents. Sealed with our seals, and dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_.

"The condition of this obligation is such, that whereas the above bounden \_\_\_\_\_ has been appointed an agent for said \_\_\_\_\_, to sell within said \_\_\_\_\_ and on account of said \_\_\_\_\_, spiritous or intoxicating liquors, to be used for sacramental, medicinal, chemical and mechanical purposes only, until the \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_, unless he be sooner removed from his agency. Now if the said \_\_\_\_\_ shall in all respects conform to the provisions of the law in relation to his agency, and the laws of this state relating to the sale of spiritous or intoxicating liquors, then this obligation to be void."

§ 6. If any such agent shall break the condition of such bond, such bond shall be forthwith put in suit, and his said certificate and appointment shall immediately become void, and he shall not thereafter be permitted to act as agent for the sale of liquors anywhere in this state; and, moreover, for any such violation shall be liable to the same penalties herein by this act provided for the illegal sale or giving away of liquors contrary to the provisions of this act.

§ 7. Every person who shall, in violation of this act, manufacture spiritous or intoxicating liquor, or mixed

Certificate to be  
given to the  
agent appointed.

Form of bond.

Penalty.

Penalty for the violation of the provisions of this act after first conviction.

quor of which a part is spiritous or intoxicating liquor, shall pay, on his first conviction for said offense, a fine of one hundred dollars and the costs of prosecution, and in default of payment thereof, shall be imprisoned sixty days in the common jail; on his second conviction for said offense he shall pay a fine of two hundred dollars and the costs of prosecution, and in default of payment thereof he shall be imprisoned four months in the common jail; and on every subsequent conviction for said offense he shall pay a fine of two hundred dollars and be imprisoned four months in the common jail. Every prosecution under this section, if the offense is committed within the limits of any city, shall be heard and determined before the police magistrate's court, and said court shall, upon every conviction, order that the person so convicted shall stand committed until the fine and costs are fully paid; or, if upon the first conviction, until he shall have been imprisoned sixty days, and also that he be imprisoned for the period herein provided, if upon a subsequent conviction; or such prosecutions for offenses against the provisions of this section, when committed without the limits of a city, shall, in the first instance be brought before any justice of the peace of the proper county, who shall thereupon proceed in the same manner as provided for in the 203d section, of chap. XXX, of the Revised Statutes, in reference to the violations of the provisions of that chapter.

Penalty for giving away or exchanging for other property.

§ 8. If any person, in violation of this act, by himself, his servant or agent, shall, for himself or any body else, directly or indirectly, or on any pretence, or by any device, sell, or in consideration of the purchase of any other property give to any person any spiritous or intoxicating liquor, or any liquor of which part is spiritous or intoxicating, or shall at any store, grocery, tavern, or place of trade, entertainment, or public resort, or in any of the appurtenances or dependencies of any such place or any public place, give away any such liquors he shall pay, on his first conviction for said offense, fifty dollars and the costs of prosecution; and on the second conviction for said offense he shall pay a fine of one hundred dollars and costs of prosecution, and on every subsequent conviction he shall pay a fine of two hundred dollars and the costs of prosecution, and shall be imprisoned not less than three months nor more than six months. Every prosecution under this section shall, if the offense is committed within the corporate limits of any city, be heard and determined before one of the police magistrate's courts in said city, and said police magistrates are authorized and required, in case of conviction, to order the person or persons so convicted to stand committed until the fine and costs are fully paid, and also to commit said convicted persons for the



term of imprisonment for which they may be sentenced. In cases of trial by jury under this section, the jury shall fix the time of imprisonment in case of conviction as above provided, but if the accused shall plead guilty, or shall consent to the trial by said police magistrate, then the said police magistrate may fix the term of imprisonment; or prosecutions for the first and second of said offenses, when committed without and beyond the limits of any city, shall be brought in the first place before any justice of the peace of the county where said offenses may be committed, who may hear and determine the same, and upon conviction, issue execution against the goods and chattels for the fine and costs, or the said justice in his discretion may proceed according to section 203d, of chapter XXX, of Revised Statutes, and in the manner therein provided for offenses against the provisions of that chapter; and prosecutions for the third or any subsequent offense committed without the limits of any city, shall also be first brought before any justice of the peace of the proper county, who shall thereupon proceed according to said section 203d, of chapter XXX, Revised Statutes. All clerks, agents, and servants of ever kind employed in selling or keeping for sale, or giving away, in violation of the provisions of this act, of any spirituous or intoxicating liquor, or any mixed liquor, a part of which is spirituous or intoxicating, shall incur the same penalties and be prosecuted against in the same manner as principals, and may in the information, indictment, or complaint, be charged in the same manner and be convicted, whether their principals be convicted or not. No such clerk, servant, or agent, shall be excused from testifying against his principal on the ground or for the reason that he may thereby criminate himself; but no testimony so given by him shall in any prosecution be used as evidence, either directly or indirectly, against said clerk, servant, or agent, nor shall he thereafter be prosecuted for any offense so disclosed by him.

Penalties applicable to clerks, agents and servants.

§ 9. No person shall own or keep any spirituous or intoxicating liquor, or any mixed liquor of which a part is spirituous or intoxicating, with intent to sell or give away the same in violation of this act, or to permit the same to be sold or given away in violation of this act; and every person who shall own or keep any such liquor with any such intent, shall, on his first conviction for said offense, pay a fine of fifty dollars and the costs of prosecution; on his second conviction shall pay a fine of one hundred dollars and costs of prosecution; on every subsequent conviction for said offense he shall pay a fine of two hundred dollars and the costs of prosecution, and shall be imprisoned not less than three nor more than six months. Every prosecution for said offenses when committed within the cor-

Penalty for the violation of the provisions of this act.

porate limits of any city in this state, shall be heard and determined by one of the police magistrates of said city, and such magistrate is authorized and required to order any person so convicted before him to stand committed until the fine and costs imposed hereby are fully paid, and to stand committed for the time of imprisonment for which he may be sentenced, as herein provided for; and when said offenses shall be committed beyond the limits of any city, then said prosecutions shall first be brought before some justice of the peace of the proper county, who may hear and determine prosecutions for the first and second offenses, and issue executions against the goods and chattels of any person convicted before him therefor; or the said justice, in his discretion, may proceed according to section 203, of chap. XXX, in the Revised Statutes, in the manner provided therein in relation to offenses against such chapter; and every prosecution for a subsequent offense so committed beyond the limits of any city, shall first be brought before some justice of the peace of the proper county, who shall thereupon proceed according to said section 203, of chapter XXX, Revised Statutes. And upon the trial of every complaint for the violation of this section or of the eighth section of this act, proof of the finding of the liquor specified in the complaint in the possession of the accused, in any place except his private dwelling house or its dependencies, (or in such dwelling house, or dependencies if the same be a tavern, public eating house, grocery, or other place of public resort,) shall be received by the court, magistrate, or justice of the peace, as presumptive evidence that such liquor was kept for sale contrary to the provisions of this act.

Appeal may be  
taken.

§ 10. Any person may appeal from a final judgment rendered against him by a justice of the peace for a first or second offense under section eight or section nine, and from any final judgment of a police magistrate of any city, to the circuit court of the county wherein said judgment may have been rendered: *Provided*, he shall forthwith give bond in not less than five hundred dollars, with at least two good and sufficient sureties, with condition to appear at the court appealed to, and there to prosecute his appeal and to abide the sentence of the court thereon, and that he will not, during the pendency of such appeal, violate the provisions of this act. Said bond may be approved by the justice of the peace or police magistrate rendering the judgment, or by the clerk of the circuit court, in the manner provided by law in other cases.

Wulgance.

§ 11. All spiritous or intoxicating liquors, and all mixed liquors, of which a part is spiritous or intoxicating, intended by the owner or keeper thereof to be sold or given away, in violation of this act, shall, with the ves-

sels in which it is contained, be deemed a nuisance, and shall, with said vessels, be forfeited to the city, town or county in which it is kept.

§ 12. If any two or more persons, residents in any city, county or town, being of full age, shall before a justice of the peace of the county or police magistrate of said city, make written complaint that any spiritous or intoxicating liquor, or any mixed liquor, of which a part is spiritous or intoxicating (described as nearly as may be in said complaint) is in said town, city or county in any place described as nearly as may be in said complaint, or in any steamboat, or water craft of any kind, depot, railroad car or land carriage of any kind, described as nearly as may be in said complaint, or in a street or public highway, or any public place whatsoever, described as nearly as may be in said complaint, kept, owned or carried by any person or corporation, described as nearly as may be in said complaint, and is intended by him or them to be sold or given away in violation of this act; and if said complainants shall, before said justice or police magistrate, as the case may be, make oath or affirmation that they have reason to believe, and do believe, to be substantially true the allegations in said complaint, said justice or police magistrate, as the case may be, (upon finding probable cause for said complaint) shall issue his warrant of search, directed to the sheriff of the county, his deputy or any constable of said county, or if to be executed within the limits of a city to the sheriff of the county, his deputy, or any constable of the county or city marshal of said city or his deputies, describing as nearly as may be the liquor and the place described in said complaint, and the person described in said complaint as the owner or keeper of said liquor, and commanding said officer to search thoroughly the said place, to seize said liquor, with the vessels containing it, and to keep the same securely until final action be had thereon: *Provided, however*, that if the place to be searched be a dwelling house in which any family resides, and in which no tavern, eating house, grocery or other place of public resort is kept, such warrant shall not be issued, unless one at least of said complainants shall on oath or affirmation before said justice or police magistrate declare that he has reason to believe, and does believe, that within one month next before the making of said complaint, spiritous or intoxicating liquor, or mixed liquor, of which a part is spiritous or intoxicating, has been, in violation of this act, sold in said house or in some dependency thereof, by the person accused in said complaint, or by his consent or permission; nor unless from the facts and circumstances disclosed by said complainant to said justice or police magistrate, said justice or police magistrate shall be of opinion

Written  
com-  
plaint to be  
made.

Proviso.

that said complainant has adequate reason for such belief. Whenever the offense shall be alleged to be without and beyond the limits of an incorporated town or city, then the complaint herein provided for may be made by any residents of the county before any justice of the peace of the county, and warrant of search may be issued by such justice in the manner herein above provided.

Duty of justices  
of the peace and  
police magis-  
trates.

§ 13. Whenever upon such warrant such liquor shall have been seized, the justice or police magistrate issuing said warrant shall, within forty-eight hours after such seizure, cause to be posted upon some public place within such town, city or (in case the said liquor is so found without the limits of an incorporated town or city) county, and to be left at the place where said liquor was seized, if said place be a dwelling house, store or shop, and to be left with or at the last usual place of abode of the person named in said complaint as owner or keeper of said liquor, if such person be a resident of this state, a notice summoning such person, and all others whom it may concern, to appear before said justice or police magistrate, at a place and time named in said notice, which time shall not be less than two nor more than four weeks after the posting and leaving of said notices, and show cause, if any they have, why said liquor should not be forfeited, with the vessels containing it; and said notice shall, with reasonable certainty, describe said liquor and vessels, and state where, when and why the same were seized. At the time and place prescribed in said notice the person named in such complaint, or any person claiming an interest in said liquor and vessels, or any part thereof, may appear and show cause why the same should not be forfeited. If any person shall then and there so appear, he shall become a party defendant in said cause, and said justice or police magistrate shall make a record thereof. Whether any person so appear or not, said complainants, or either of them, or upon the failure of such complainants the officer having such liquor in custody, shall appear before said justice of the peace or police magistrate, and prosecute said complaint, and show cause why such liquor should be adjudged forfeited; and said justice or police magistrate shall make a record of such appearance and the name of such prosecutor, and shall proceed to inquire whether said liquor and vessels be liable to forfeiture; and if upon the evidence then and there presented to him he shall find that said liquor, or any part thereof, was, when seized, kept or carried by any person for the purpose of being sold or given away in violation of this act, said justice or police magistrate shall render judgment that said liquor, or said part thereof, with the vessels in which it is contained, is forfeited. If no person be made defendant in manner aforesaid, or if judgment be in favor of all the de-

defendants who appear, then the costs of the proceedings shall be paid by the city, town or (if the said liquor is found as aforesaid without and beyond the limits of an incorporated town or city) county. If the judgment of said justice or police magistrate shall be against only one defendant appearing as aforesaid, he shall pay all the costs of the proceedings in the seizure and detention of the liquor claimed by him up to that time and of said trial. But if such judgment shall be against more than one party defendant claiming distinct interest in said liquor, then the costs of said proceedings and trial shall be equitably, according to the discretion of said justice or police magistrate, apportioned among said defendants; and in either case such costs shall be collected by execution or executions issued by said justice or police magistrate against the property and (if said executions are issued by a police magistrate) bodies of the defendants whose duty it is to pay the same, and paid into the treasury of the town, city or county, as the case may be, where the said liquor was seized. And if any such execution shall not be forthwith paid, the defendant in execution, if said execution shall have been issued by a police magistrate, shall be committed to jail, and shall not be released therefrom until he shall have paid said execution and the costs of his commitment and detention, or if said execution is issued by a police magistrate, until he shall have been imprisoned thirty days at least. The said justice of the peace or police magistrate shall have power to continue to another time, not exceeding fifteen days, the hearing of the question of forfeiture as herein provided, and also to adjourn the same from day to day until determined. Any person appearing as aforesaid may appeal from said judgment of forfeiture (as to the whole or any part of the liquor and vessels so adjudged forfeited) to the circuit court next to be holden in the county wherein such judgment is rendered, but his appeal shall not be allowed until he shall give bonds, with good and sufficient security, to be approved by the justice or police magistrate before whom said judgment shall be rendered, to the treasurer of the town, city or county, as the case may require, in such an amount as said justice or police magistrate shall order, not less than five hundred dollars, conditioned that he appear before said circuit court and prosecute his said appeal and abide the order of the court thereupon, and also, that he will not, during the pendency of said appeal, violate any of the provisions of this act; and in each instance in which any such appeal or appeals is or are allowed, said justice or police magistrate shall transmit to the clerk of said court, within ten days thereafter, and on or before the first day of the term to which said appeal or appeals shall be taken, a copy of said record, by him made, of the original complaint, and

Appeal may be  
taken.

all proceedings had before him in the case and said complaint; and the case or cases arising upon said appeal or appeals shall thereupon be pending before said circuit court. If before said circuit court no party so appealing shall appear, the appeal bond or bonds shall be forfeited, and said court shall render judgment that the liquor and vessels in respect to which said appeal or appeals has or have been taken are forfeited; but if any party or parties so appealing shall appear, said court shall proceed to try, by jury, the issue or issues arising upon said appeal or appeals, severally or collectively, as said court may deem proper; and if by verdict of the jury, accepted by the court, it is found that said liquor, in respect to which any appeal was taken, was, when seized, kept by any person for the purpose of being sold or given away in violation of this act, then said liquor and vessels containing it shall be adjudged forfeited, and said court shall tax the costs arising upon said appeal against said party appealing, and order him to pay the same forthwith; and for the payment thereof, according to said order, his said appeal bond shall stand as security, and said defendant may by said court be committed to jail until the fine and costs are paid.

Forfeited liquors  
to be delivered  
to agent.

§ 14. Whenever it shall be finally decided that liquor seized as aforesaid is forfeited, the justice of the peace, police magistrate, or other court rendering final judgment of forfeiture, shall issue to the officer having said liquors in custody, or to some other proper officer, a written order, directing him to deliver said liquor and the vessels containing it, to some agent duly appointed for the sale of intoxicating liquors in the city, town, township or precinct of the county where said liquor was seized, or in case there be no such agent in said city, town, township or precinct, then to some other such agent in some other city, town, township or precinct in the same county, which order the said officer, after obeying the commands thereof, shall return to said court with his doings thereon endorsed. Said agent shall receive said liquor and vessels, and if, in his opinion, the same, or any part thereof, be fit to be sold for any lawful uses, he shall sell the same, or such part thereof, in the course of his agency, for the benefit of the city, town or county, as the case may be, wherein the same were seized; and if, in his opinion, the same, or any part thereof, be not fit to be sold, he shall destroy the same, or such part thereof. Whenever it shall be finally decided that any liquor so seized is not liable to forfeiture, the court so deciding shall issue a written order to the officer having the same in custody, or to some other proper officer, to restore said liquors, with the vessels containing it, to the place where it was seized, as nearly as may be, or to the person entitled to receive it, which order the said officer, after obey-

ing the commands thereof, shall return to said court with his doings thereon endorsed. And the costs of the proceedings in such case shall be taxed and paid by the city, town or county wherein said liquor was so seized.

§ 15. Whenever any officer authorized to commence a prosecution for a violation of the ninth section of this act, shall in any way receive notice that liquor has been seized upon a warrant issued pursuant to the twelfth section of this act, said officer shall immediately cause a prosecution for violation of said ninth section to be commenced before the justice or police magistrate who issued said warrant against the person named in said warrant as the owner, or keeper, or carrier of the liquor to be seized, unless such prosecution shall have been already commenced by some other proper officer.

§ 16. A complaint under the twelfth section of this act may be in form, substantially, as follows :

“ To A. B., esq., a justice of the peace of the county of \_\_\_\_\_, or police magistrate of the city of \_\_\_\_\_, [as the case may be.] The complaint of the undersigned [resident in said \_\_\_\_\_, of full age,] sheweth that in a certain place in said \_\_\_\_\_, to wit: [here insert description of shop, house, or other place, describing the same as nearly as may be,] certain liquor, to wit: [here insert description of liquor, describing the same as nearly as may be] is owned or kept [as the same may be] by C. D. in the \_\_\_\_\_, in the county of \_\_\_\_\_, and is intended by said C. D., to be sold or given away in violation of the act of 1855, entitled “An act for the suppression of intemperance, and to amend chapter thirty of the Revised Statutes,” and against the peace and dignity of the people of the state of Illinois. Wherefore, the complainants pray your honor to issue a warrant of search, that said place may be searched, and said liquor seized and disposed of according to law.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_. E. F.,  
G. H.,  
I. J.”

Form of complaint.

The justice of the peace or police magistrate to whom such complaint is made, having administered the oath or affirmation required by section twelfth, may certify on such complaint the administration of said oath and his finding thereon, in the following form :

“ ———county——ss. [Town or city and date.] Personally appeared E. F., G. H. and I. J., residents in said \_\_\_\_\_, being of full age, and presented to me the foregoing complaint, by them signed, and made solemn oath [or affirmation, as the case may be] before me, that they have

Form of oath.

reason to believe, and do believe to be substantially true the allegations in said complaint. Whereupon, I find that probable cause exists for said complaint; and [in case a dwelling house, &c., is to be searched] the said , one of said complainants, having on his oath [or affirmation] before me declared that he has reason to believe, and does believe, that within one month next before the making of said complaint, spiritous or intoxicating liquor, or mixed liquor, a part of which is spiritous or intoxicating, has been sold in violation of the act of 1855, for the "suppression of intemperance, and to amend chapter thirty of the Revised Statutes," in said house, or in some dependency thereof, by the person accused, or by his consent or permission, upon the facts and circumstances disclosed by said , to me, I am of the opinion he has adequate cause for such belief.

*A. B., J. P. or Police Magistrate."*

A warrant issued pursuant to section twelfth may be, in form, substantially as follows :

Form of warrant.

"The people of the state of Illinois to the sheriff of the county of , his deputy, or either constable of said county, or [if the warrant is to be executed in any city] to the sheriff, deputy sheriff, or constable of the county of , or marshal of the city of , greeting :

"Whereas, E. F., G. H. and I. J., residents in said , being of full age, have, before me, made their written complaint, that in a certain place in said , to wit: in [here insert a description of shop, house, or other place, describing the same as nearly as may be] certain liquor, to wit: [here insert a description of the liquor as nearly as may be] is owned or kept [as the case may be] by C. D., of [name of county, city, town or other place, naming it,] and is intended by said C. D., to be sold or given away, in violation of the act of 1855, entitled "An act for the suppression of intemperance, and to amend chapter thirty of the Revised Statutes," and against the peace and dignity of the people of the state of Illinois.

"And whereas, said complainants have before me made solemn oath [or affirmation, as the case may be] that they have reason to believe, and do believe, to be substantially true, the allegations in said complaint; and whereas I do find that probable cause exists for said complaint, and [in case a dwelling house, &c., is to be searched,] and the said , one of said complainants, having on his oath [or affirmation, as the case may be,] before me declared that he has reason to believe, and does believe, that within one month next before the making of said complaint, spiritous or intoxicating liquors, or mixed



liquors, part of which is spiritous or intoxicating, has been sold in violation of the act of 1855, for "the suppression of intemperance, and to amend chapter thirty of the Revised Statutes," in said house or some dependency thereof, by the person accused in the complaint aforesaid, or by his consent, [or permission,] upon the facts and circumstances disclosed by said , I am of opinion that he has adequate cause for such belief; now, therefore, in the name and by the authority of the people of the state of Illinois, you are hereby commanded to search thoroughly, the said place, and to seize said liquor and the vessels containing it, and securely keep the same until final action be had thereon. Hereof fail not, but due return make.

Dated at , this day of  
A. B., J. P., or Police Magistrate."

The form of notice required by section thirteen may be substantially as follows:

"To C. D. of , in the county of , and to all others whom it may concern—Greeting: Form of notice.

"Whereas, pursuant to the provisions of an act entitled "An act for the suppression of intemperance, and to amend chapter thirty of the Revised Statutes," upon due complaint, dated , and upon warrant duly issued upon said complaint, certain liquor, with the vessels containing it, [describe the liquor and the vessels with reasonable certainty] was seized at [describe the place as nearly as may be] in the , of , on the day of , A. D., 18 , by [name of officer] a [sheriff, deputy sheriff, or other officer, as the case may be] which said liquor and vessels were seized because it is alleged that said liquor was owned, or kept, or carried, by some person, with intent that said liquor should be sold or given away contrary to the law. And whereas the said liquor, if so owned or kept, with such intent, is liable to forfeiture; now you, the said C. D., and all others whom it may concern, are hereby summoned to appear before me at [name of town, city, or other place,] on the day of , at o'clock, in noon, then and there to show cause, if any you have, why said liquor and vessels should not be adjudged forfeited.

Dated at , this day of , A. D. 18 .  
A. B., J. P., or Police Magistrate."

§ 17. If any person shall be found in a state of intoxication in any highway, street, court house, or other public place, or shall be found in a state of intoxication in any place, committing any breach of the peace, or disturbing others by noise, any sheriff, deputy sheriff, constable, or

[if within any city,] said officer, or any police officer of a city, city marshal or other officer, may, without warrant, and it is hereby made his duty to take such person into custody, and detain him in some proper place until, in the opinion of such officer, he shall be so far recovered from his intoxication as to be capable of properly testifying in a court of justice, and shall then bring him, if said person is willing before some justice of the peace of the county, or if arrested within a city, police magistrate of a city; and if such person is willing to make full disclosures regarding the person or persons of whom, and the time, place and manner in which the liquor producing his intoxication was procured, and all the circumstances attending it, such justice or police magistrate shall administer to him the oath provided for witnesses, and he shall inquire of him in the presence of the officer, regarding the matter, and if upon such inquiry, it shall appear to such officer that any of the offenses specified in the eighth or ninth sections of this act have been committed within this state, such officer [who is hereby authorized so to do] shall in due form of law file his complaint to said justice or police magistrate against the person or persons upon such disclosure appearing to the officer to be guilty thereof, and shall, if the said person so taken intoxicated be willing thereto, detain said person until the trial of said complaint before said justice or police magistrate. And said justice or police magistrate shall issue his warrant for the immediate arrest of the person charged in said complaint, and he shall accordingly be arrested and brought before said justice or police magistrate [as the case may be] to answer to said complaint, and shall be tried thereon without unnecessary delay, and convicted or acquitted in due form of law; and it shall be the duty of said officer to prosecute such complaint, and of any state's attorney, or [if the offence is committed within the limits or jurisdiction of a city] the city attorney to assist him in such prosecution. And the person so arrested, when taken and brought before said justice of the peace or police magistrate shall be immediately put to plead to said complaint; and unless he plead guilty, the trial of said complaint shall be commenced, and, whether he plead guilty or not, the testimony of the person found intoxicated as aforesaid shall be taken, of which testimony the said justice or police magistrate shall make a true record; and if the person so complained against shall be found guilty, and shall appeal from the judgment of said justice or police magistrate, or [in the cases before a justice heretofore provided for in sections eight and nine] shall give bail for his appearance at the next term of the circuit court of the county wherein said judgment is rendered, or shall be committed in default of giving bail for

his said appearance, said justice may, in his discretion, recognize with surety such witness for his appearance to testify in said case before the court to which said appeal may be taken, or to which said defendant shall be required to appear. And if upon such trial or trials the person so found intoxicated shall, in the opinion of the prosecuting officer, testify freely, fully and fairly regarding the procurement or receipt of the liquor which produced his intoxication, the person or persons of whom, and on what terms it was obtained or received, and the time and place of such receipt, and all the circumstances regarding it, he shall be discharged, and no evidence which he shall have given, either before said justice or police magistrate in making such disclosures, or as a witness upon said trial or trials, shall be used against him in any trial or proceeding whatever; nor shall any prosecution be instituted or carried on against him for or on account of such intoxication. But if Refuse to testify. he shall refuse to be taken before said justice of the peace or police magistrate, as herein above provided, by the officer or officers having him in custody, or if, when brought before such justice of the peace or police magistrate, he shall refuse to make disclosures before said justice or police magistrate in the manner hereinbefore provided for, or shall refuse to testify freely and fully, as a witness on said trial or trials, then he shall be in due form prosecuted for his intoxication, and on conviction thereof be punished as provided in the twenty-sixth section of this act. The costs of the arrest and detention of the person so taken intoxicated shall, upon the order of the justice or police magistrate before whom such person is brought, be paid from the treasury of the town, city or county in which the arrest is made. This section shall not be so construed as to authorize the forcible detention of the person so taken intoxicated after he shall have recovered from his intoxication, until the trial of the person or persons against whom his disclosures shall be made before the justice or police magistrate; but if such person, upon recovering from his intoxication, shall not voluntarily consent to go, and go with the officer, and make the disclosures contemplated in this section, and shall not thereafter voluntarily remain in custody of such officer, or some other proper person by said officer designated, until such trial, he shall be forthwith prosecuted for his intoxication under the twenty-sixth section of this act; and any officer who by this section is authorized to arrest such intoxicated persons, may make complaint against and prosecute such person for such intoxication.

§ 18. Every sheriff, deputy sheriff and constable of any Duty of sheriff, constables, marshals, &c. county, mayor or city marshal, or other police officer of any city, or the president and trustees of any incorporated town, are hereby authorized, and it is hereby made their

duty, within their respective counties or cities or towns, as the case may be, when any violation of any of the provisions of this act shall come to their or his knowledge, or on being informed of the same, and being furnished with reasonable proof of the fact, or having good reason to suspect that an offense has been committed against this act, to make the complaints, and to institute and carry on prosecutions against any person or persons violating the provisions of this act as hereinbefore provided; and any complaint herein provided for may be so made by any one of the said officers. If any such officer receiving salary or fees, knowing or being informed, and being furnished with reasonable proof of the fact, or having good reason to believe or suspect that any person or persons have, within their respective jurisdictions, been guilty of violating any of the provisions of this act, shall fail to make complaints and institute and carry on prosecutions against such person or persons so offending, as herein provided for, said officer or officers shall, upon conviction, be punished by fine not less than twenty-five and not exceeding one hundred dollars. And moreover, upon conviction, if the same shall be had in the circuit court of the county wherein such officer shall hold his office, or of the circuit court of any other county to which the same may be removed by change of venue under the laws of this state, it shall be the duty of the court before whom such conviction shall be had, to declare the office of said officer vacant; and said officer shall thereafter be disqualified from holding the same office anywhere in the state of Illinois. For any violation of this section prosecutions may, upon the complaint of any resident of the county, or (in case of violation hereof by a city marshal, mayor or other police officer of any city,) city wherein said officer shall hold his office, before any justice of the peace, or in case of a city officer, police magistrate, or by indictment in the circuit court of the county wherein said officer shall hold his office. Nothing in this section shall be construed to prevent any residents of a town, city or county, as the case may be, from making complaints and instituting and carrying on prosecutions as in other sections of this act provided. Sheriffs, deputy sheriffs and constables are authorized, and it is hereby expressly made their duty, to make said complaints and institute and carry on prosecutions for violations of this act where the offenses may be committed within the limits of an incorporated city, or any other place in their county, anything in any law or charter to the contrary notwithstanding.

§ 19. All cases under this act which shall come by appeal, writ of error or in any other manner before any higher court than a justice's court, shall in such higher court be

Penalty for violation.

Cases to be conducted by the state and city attorneys.

conducted by the state's attorney or (in case the offense be committed within the limits of any city,) city attorney (as the case may be) in behalf of the prosecution, and shall take precedence in such court of all other criminal business, except those criminal cases in which the parties accused are actually under arrest awaiting trial; and the prosecuting officers shall not have authority to enter a *nolle prosequi*, except by the consent of the court, and where the purposes of justice manifestly require it.

§ 21. Whenever default shall be had of any recognisance, or whenever a breach of the condition of any recognisance or bond given pursuant to this act shall have occurred, the proper officer shall forthwith commence suit upon said recognisance or bond, and pursue the same to final judgment as speedily as possible. Any judgment recovered in such suit shall be for the full amount of said recognisance or bond, with costs of suit; and no court or officer shall remit to the defendant or defendants any part of said judgment.

Suit on bond.

§ 22. In any complaint or indictment under this act, it shall not be necessary to set forth exactly the kind or quantity of liquor sold or manufactured, nor whether the accused was a principal or clerk, servant or agent, or the exact time of the sale or the manufacture thereof, but proof of the violation by the accused of any provision of this act, the substance of which violation is briefly set forth in said complaint or indictment, within the times mentioned in said complaint, shall be sufficient to convict such persons; and it shall not be requisite in any complaint or indictment for a second or subsequent offence to set forth the record of a former conviction, but it shall be sufficient briefly to allege in such complaint such former conviction. Nor shall it be necessary, in every case, to prove payment in order to prove a sale within the meaning of this act. This act shall in all courts be liberally construed for the detection and punishment of offenses; and any defects in any complaint or indictment or declaration, either of form or substance, may be amended by the court before which the same is pending, whether by original entry, appeal or otherwise.

Not necessary to set forth the kind of liquor in complaint.

§ 23. A justice of the peace, police magistrate or clerk of the circuit court shall be entitled to receive for causing notices to be posted up and left pursuant to section 13, fifty cents for each notice; and for receiving a complaint and making certificate thereon, as required by sections 12 and 16, the justice of the peace or police magistrate shall be entitled to receive one dollar; for issuing an order pursuant to section 14, fifty cents; where notice shall be published in a newspaper, the printer or publisher of such paper shall be entitled to receive such compensation as the

Fees.

court shall order; and the officer who shall make service of any warrant for the seizure of liquor, shall be allowed for the same two dollars; for the removal and custody of said liquor, his reasonable expenses and one dollar; for the delivery of any such liquor under order of the court, his reasonable expenses and one dollar; and for posting and leaving the notices required by section 13 and 33, one dollar. For all other services under this act, the said justice of the peace, police magistrate, clerks or other officers shall be allowed to receive the same compensation as is now by law allowed for similar services. Nothing in this act or any law of this state shall prevent any of said officers from receiving any additional compensation which may be allowed to them by the ordinances of any incorporated town or city. Nor shall any interest which said officers may have in their fees or in such compensation render said officers incompetent to testify as witnesses in any trial or proceeding authorized by this act; nor shall any person be rendered incompetent to testify as a witness in any trial or proceeding authorized by this act by reason or on account of said person being an inhabitant of any town, city or county wherein an offence may be committed, or such proceeding may be had.

Additional compensation.

Common council to prosecute for breach of bond.

§ 24. The common council of any city, the president and trustees of any incorporated town, or the board of supervisors, or the county court of any county, whenever complaint shall be made to them that a breach of the condition of the bond given by an agent appointed by them under this act has been committed, shall notify such agent of such complaint, and if upon hearing of the parties it shall appear that any such breach has been committed, they shall revoke said agent's appointment; and whenever such breach is in any way made known to the common council of any city, the president and trustees of any town, the board of supervisors or county court of any county, or any one of them, they or he shall, at the expense and for the use of said city, town or county, cause the bond to be put in suit.

Penalty for violating the provisions of this act.

§ 25. All payments or compensations for liquor hereafter sold in violation of this act, whether such compensation be in money, goods, land, labor, or anything else, shall be held to have been received in violation of law and against equity and good conscience, and to have been received upon a valid promise and agreement of the receiver in consideration of the receipt thereof to pay to the person furnishing such consideration on demand the amount of said money, or the just value of such goods, land, labor or other thing. All sales, transfers, conveyances, mortgages, liens, attachments, pledges and securities of every kind, which either in whole or in part shall have been made for or on

account of spiritous or intoxicating liquors sold in violation of this act, shall be utterly null and void against all persons in all cases, and no rights of any kind shall be acquired thereby; and no action of any kind shall be maintained in any court of this state for spiritous or intoxicating liquors, or mixed liquor, of which a part is spiritous or intoxicating, sold in any other state or country contrary to the law of said state or country, or with intent to enable any person to violate any provision of this act, nor shall any action be maintained for the recovery or possession of spiritous, or itoxicating, or mixed liquor, or the value thereof, except in cases where persons owning or possessing such liquor, with lawful intent, may have been illegally deprived of said liquor. Nothing in this section, however, shall affect in any way negotiable paper in the hands of any *bona fide* holder thereof who may have given valuable consideration therefor, without notice of any illegality in its inception or transfer, or the holder of land or other property who may have taken the same in good faith without notice of any defect in the title of the person from whom it was taken; and all other sections of this act, and all evidence given under them, shall be construed in the same way as they would be if this section were omitted from this act, and have the same effect. In all actions at law or suits in equity brought for the recovery of spiritous, intoxicating or mixed liquor, or the value thereof, or founded upon sales, transfers, conveyances, mortgages, liens, attachments, pledges and securities of every kind, which either in whole or in part shall have been made for or on account of spiritous or intoxicating liquor sold in violation of this act, it shall not be necessary for the defendant or defendants to plead the same, or that said liquor was sold contrary to the provisions of this act, but the same may be given in evidence on the trial of such action or suit in equity; and whenever it shall appear in evidence or by the pleadings to any court before which such actions at law or suit in chancery shall be tried or pending, that the same is brought for the recovery of spiritous or intoxicating liquor, or mixed liquor sold contrary to the provisions of this act, or the value thereof, (except in cases where persons owning or possessing such liquor with lawful intent, may have been illegally deprived of said liquor,) or is founded upon any sale, transfer, conveyance, mortgage, lien, attachments, pledges or securities of any kind, which either in whole or in part shall have been made for or on account of spiritous or intoxicating liquor sold in violation of this act, it shall be the duty of said court, whether the defendant or defendants interpose said defense or not, or whether the said defendant or defendants desire the same to be done or not, forthwith to dismiss the said action at law or suit in equity, at the cost

Not to extend to  
negotiable paper  
in the hands of  
holder *bona fide*

of the plaintiff or plaintiffs or complainant or complainants, unless the said action at law or suit in equity shall be instituted for his own use and benefit by the *bona fide* holder of negotiable paper, who may have given a valuable consideration therefor without notice of any illegality in its inception or transfer, or the holder of land or other property who may have taken the same in good faith, without notice of any defect in the title of the person from whom it was taken.

Fine for being  
found intoxica-  
ted in the public  
places.

§ 26. If any person shall be found intoxicated in any highway, street, court house or other public place, or shall be found in a state of intoxication in any place committing any breach of the peace, or disturbing others by noise, he shall, on conviction thereof, pay a fine of twenty dollars to the city, town or (if found intoxicated in any highway, street, court house or other public place, or shall be found in a state of intoxication in any place committing any breach of the peace, or disturbing others by noise without the limits of an incorporated city or town) county in which the offense is committed, together with the costs of prosecution, and stand committed until the fine and costs are paid. Every prosecution for a violation of this section shall be heard and determined by a justice of the peace of the county or (if within the limits of an incorporated city) by a police magistrate of the city where the offense was committed; but the person convicted upon said prosecution may appeal from said judgment to the circuit court of the county in which the offense is committed: *Provided*, that he shall forthwith give such bond (of recognisance) with surety as said justice or police magistrate shall order, conditioned for his appearance at the next term of the said circuit court to answer said complaint, and for abiding the judgment that may be rendered by the court thereon; and if in case of conviction of said offense before any police magistrate, or before the circuit court, the person so convicted shall fail to pay the fine and the costs of his prosecution, he shall be committed to jail, and shall not be released until he shall have been imprisoned for thirty days. And if any officer authorized to arrest with or without warrant any person so found intoxicated shall fail so to arrest any person whom he may see intoxicated, said officer shall forfeit and pay for every such offense twenty dollars, to be recovered by an action of debt before any justice of the peace of the county or police magistrate of any city within which said officer shall hold his office.

Proviso.

Compensation to  
agents.

§ 27. The common council of any city, the president and trustees of any incorporated town, the board of supervisors or the county court of any county, or a majority of either of said bodies, may appropriate out of the city, town or county treasury such sums as in their judgment



shall be necessary for the purchase of spiritous or intoxicating liquor by the agent or agents of said city, town or county, to be by him or them sold under the provisions of this act. And no agent appointed under this act shall have power on behalf of any city, town or county to contract any debt for spiritous or intoxicating liquors which shall to any extent be binding on such city, town or county. All fines and forfeitures collected under the provisions of this act, and all profits accounted for by agents to sell spiritous or intoxicating liquors shall be applied—first, to the payment of the compensation allowed said agent or agents, next to the payment of costs which may under the provisions of this act be incurred by said city, town or county, and the remainder, if any, shall be put into the school fund of the city, town or county, as the case may require, in which the offense may have been committed or the profits made. If any agent appointed under this act, shall sell any liquor at a greater profit than hereinbefore provided for, such agent shall be deemed guilty of an unlawful sale, and shall be prosecuted, and upon conviction be punished and dealt with in the same manner provided in case of illegal sales by other persons, and moreover shall *ipso facto* forfeit his appointment as agent, and shall not be thereafter qualified or allowed to act as agent for the sale of spiritous or intoxicating liquors under this act anywhere in this state.

Application of  
fines and forfeitures.

§ 28. Whenever any violation of any of the provisions of this act shall be committed in any incorporated town or city, the prosecutions herein provided for may be instituted and carried on in the name of said city or town. In all cases under this act (except where the justice of the peace or police magistrate may be acting as a court of inquiry in accordance with the provisions of this act, and section 203, chapter XXX, Revised Statutes) the party prosecuting or the defendant or defendant's shall be entitled to a trial by jury, and in cases of trial by jury, where the punishment is by fine or imprisonment, either or both, the jury shall fix by their verdict the amount of the fine and the period of imprisonment, in accordance with the provisions of this act. Appeals may be taken in all cases from the judgment of justices of the peace or police magistrates (except where said justice or police magistrate may be sitting as a court of inquiry as aforesaid) provided the defendant or defendants shall forthwith give the bond or bonds hereinbefore required. And any city or town aforesaid may also appeal from any judgment of such police magistrate or justice of the peace in like cases, by filing with said justice or magistrate the bond of said city or town under the corporate seal thereof, if they have any, and if not, then said bond shall be signed by the president

Appeal may be  
taken.

of the board of trustees of such town, or the mayor or other chief officer for the time being of any city. And in case said prosecution before said justice or police magistrate shall be in the name of the people of the state of Illinois, appeals may be allowed in the same way to the people as is now provided in cases of assault and battery. Any bond given on appeal from the judgment rendered by justices of the peace or police magistrate under the provisions of this act shall be from the date thereof until the same is discharged a lien on all the property, real and personal, of principal and securities. And no principal or security on any appeal bond shall be released from his or their liability thereon by reason of any defect, formal or substantial, in said bond, or in the execution or approval thereof; but the said principal and securities shall in all courts be held liable in the same manner and to the same extent as if the said bond or bonds had been in all respects, written, taken, conditioned, executed and approved according to law.

Manufacture not  
prohibited for  
certain purposes

§ 29. Nothing contained in this act shall be so construed as to prohibit the manufacture or keeping for sale of burning fluids of any kind, perfumery, essences, chemicals, dyes, paints, varnishes, cosmetics, solutions of medicinal drugs, medical compounds, or any other article which may be composed in part of alcoholic or other spiritous liquor, if not adapted to use as a beverage: *Provided, however,* that if such article is capable of being used, or is intended to be used as a beverage or in evasion of this act, the manufacture or keeping for sale, or sale thereof, shall be deemed a violation of this act and punished accordingly.

Duty of mayor,  
aldermen, &c.

§ 30. It shall be the duty of any mayor, alderman, city marshal or deputy marshal, sheriff, deputy sheriff or constable, if he shall have information that any intoxicating liquors are kept or sold in any tent, shanty, hut, wagon or land carriage of any kind, or place of any kind, other than a dwelling house, for selling refreshments in any public place on or near the grounds of any cattle show, agricultural exhibition, military muster, camp meeting, or any public occasion of any kind, to immediately make complaint thereof on oath, before some justice of the peace or police magistrate, who shall issue his warrant, commanding him to search the place or places named in said complaint; and such mayor, alderman, city marshal or deputy marshal, sheriff, deputy sheriff or constable, shall proceed to search such suspected places, and if said officer shall find upon the premises any intoxicating liquor he shall seize said liquor and arrest the keeper or keepers of said place, or of said wagon or carriage, and take them forthwith, or as soon as may be, before some justice of

the peace of the county, or (if within a city) police magistrate of a city, and thereupon such officer shall make a written complaint, under oath or affirmation, and subscribed by him, to such justice or police magistrate, who shall thereupon proceed to hear and determine said complaint, and upon proof that such liquors are intoxicating, that they were found in the possession of the accused in a tent, shanty or other place as aforesaid, other than a dwelling house, he or they shall be sentenced, upon conviction, (if before a police magistrate) to imprisonment in the county jail for thirty days, or (if before a justice of the peace) to pay a fine of fifty dollars and costs of the proceedings; and said liquor so seized shall be forfeited and delivered over by the officer or other person having the same in custody, upon the order of the justice or police magistrate, to the agent (or one of them) of the city, town or county where such liquor shall have been seized, to be dealt with by said agent as other forfeited liquor.

§ 31. If any railroad conductor, freight agent, expressman, depot master, or other person in the employment of or in any manner connected with any railroad corporation, or any teamster, stage driver, or common carrier of any kind, or any person professing to act as agent for any other person or persons, whether within or without this state, or any other individual of whatever calling, shall knowingly bring within this state, for any other person, any intoxicating liquor, to be used or disposed of for any other purposes than those recognized lawful by this act, or shall knowingly procure for any other person or persons, or shall knowingly aid, assist or abet, in any manner whatever, any other person or persons in procuring intoxicating liquor, except for the purposes contemplated by this act, such person or persons so offending shall forfeit and pay into the treasury of the county, town or city, as the case may be, a fine of one hundred dollars and costs of prosecution on the first conviction, and on the second and every subsequent conviction two hundred dollars and costs, and be imprisoned in the county jail not less than three nor more than six months. If any contractor, sub-contractor, agent, engine driver, conductor, director, or other employee, engaged in the construction or operation of any railroad, canal or other public work in this state, shall violate any of the provisions of this act, he or they shall be fined and imprisoned, or either, as the case may be, to double the extent of other persons so offending.

Railroad conductors and other public agents liable to prosecution.

§ 32. Any person against whom or whose premises a search warrant has been issued, or any other person who shall refuse to permit the search to be made, or otherwise use violence to prevent the same, or who shall resist

Penalty for resisting officers.

any officer in the execution of any other process authorized by this act, or threaten to use violence to prevent the execution of the same, shall be deemed to have resisted the officer, and be made subject to the penalty inflicted by the Revised Statutes therefor.

Circuit court to  
have jurisdiction  
in certain  
cases.

§ 33 Nothing in this act shall be so construed as to authorize any justice of the peace to try any person (except as a court of inquiry) for any offense against any provisions of this act where the punishment is by a fine above one hundred dollars or imprisonment, or to adjudge any liquor to be forfeited, as hereinbefore provided, where the value of said liquor shall exceed one hundred dollars; but in all cases where any person for any offense, the punishment whereof is imprisonment or fine exceeding one hundred dollars, shall be brought before any justice of the peace, or where in the trial of any cause under this act it shall appear that the offense for which the accused is upon his trial is one for which the punishment, as prescribed hereby, is more than one hundred dollars or imprisonment, or both, said justice shall proceed in such case in manner provided in section 203, of chap. XXX, of Revised Statutes; and if such fact shall appear as aforesaid upon the trial of the cause by a jury, said jury shall be discharged without rendering any verdict, and said justice of the peace shall admit said defendant or defendants to bail, or in default thereof, commit him or them to await trial the next term of the circuit court of the proper county, in same manner as provided by said section 203, of chap. XXX, Revised Statutes. In all cases where it shall appear, from the officer's return of any search warrant issued under the provisions of this act by any justice of the peace, that the liquor seized is of greater value than one hundred dollars, or if during or upon the hearing or trial of said complaint, as provided in the 13th section of this act, it shall appear to said justice on the evidence or (if the trial is by a jury) by the verdict of said jury that said liquor is of greater value than one hundred dollars, then in either or both cases it shall be the duty of said justice of the peace not to render judgment but forthwith to make a record of all the proceedings before him, (except the testimony of witnesses,) and certify the same under his hand and seal, and file the same in the clerk's office of the circuit court of the proper county; and said clerk shall, upon receiving and filing said transcript, immediately cause to be published in some newspaper in his county, (and if there be no newspaper in said county, then shall cause to be posted upon the door of the court house,) and also in either case to be left with or at the last usual place of abode of the person named in the said complaint as the owner or keeper of said liquor, if such person be a resident of this

state, a notice, summoning such person, and all others whom it may concern, to appear before the said circuit court, at the next term thereof, and show cause, if any they have, why said liquor should not be forfeited with the vessels containing it. Said circuit court shall hear and determine said question or forfeiture of said liquors, and shall proceed in the same manner provided in the 13th and 14th sections hereof: *Provided*, if two weeks shall not intervene between the day of publishing and serving said notice as aforesaid and the first day of the next term of the said circuit court, said cause shall be continued until the next term of the said circuit court. The term justice of the peace, as herein used, shall not be construed to include police magistrate.

Provide.

§ 34. If any person, by himself, clerk, servant or agent, shall sell, furnish or give away any intoxicating liquor, which shall be impure or adulterated, he shall forfeit and pay into the treasury of the town, city, or if the offense is committed without and beyond limits of any incorporated town or city, county, not exceeding one hundred dollars, and be imprisoned three months in the jail: *Provided*, no authorized agent appointed hereunder shall be subject to the liabilities of this section, unless such agent shall persist in selling or furnishing such impure or adulterated liquor, knowing the same to be such; prosecutions under this section may be, if the offense is committed within the limits of an incorporated city, brought before a police magistrate of said city, or by indictment in the circuit court of the proper county, whether committed within a city or not; and if the offense be committed without the limits of a city, then the case may be brought before any justice of the peace of the county, in manner provided in section 203, of chapter XXX, of the Revised Statutes.

Fine and imprisonment.

Provide.

§ 36. All laws and parts of laws inconsistent with this act shall be repealed when this act goes into operation: *Provided*, that all prosecutions which shall have been commenced at the time this act goes into operation shall be carried on to final judgment and execution as if this act had not have been passed: *Provided*, all laws authorizing the issuing or granting licenses to sell spiritous or intoxicating or mixed liquors shall be repealed from and after the date of the passage of this act.

Inconsistent acts repealed.

§ 37. No officer or other person shall be liable to any action or prosecution, civil or criminal, in behalf of any person or the people, for the making, issuing, trying or executing any complaint, warrant or other process under this act, or for instituting, prosecuting or trying any suit, prosecution or other proceeding hereunder: *Provided*, said officer or other person shall have acted in good faith.

Officers not liable to prosecution.

Provide.

Complaints of  
married women.

§ 38. Any married woman who shall complain that liquor has been sold to her husband contrary to law, or any widow who shall complain that liquor has been sold to her son or sons contrary to law, may, in the stead or place of the two residents required by section twelve of this act, make the complaint mentioned in said section twelve, or any other section of this act, and may institute and carry on any prosecution provided by this act. Nothing in this act shall be construed to require that a search warrant should be issued or executed prior to a prosecution for a violation of any section of this act; but such prosecution or prosecutions may be instituted and carried on either with or without the issuing or executing of such warrant. All prosecutions for any violations of this act may be by indictment in the circuit court of the county where the offense may be committed, anything herein to the contrary notwithstanding; but a conviction before a justice of the peace or police magistrate shall be a bar to an indictment for the same offense, and *vice versa*.

When to take effect.

§ 39. The foregoing provisions of this act shall take effect on the first Monday of July next: *Provided*, if a majority of the ballots to be deposited as hereinafter provided shall be "against prohibition," then this act shall be of no force or effect whatever.

Election to be held.

§ 40. An election shall be held on the first Monday of June next, at the usual places of holding elections according to the laws of this state in such case made and provided, at which election persons entitled to vote under the constitution and laws of this state may express their judgment and choice in regard to this act, by depositing in the ballot box their ballots, with the words "for prohibition," or "against prohibition." Notices of said election shall be given, and said election shall be conducted according to the laws of this state regulating general elections. Returns of said election shall be made and canvassed as is now provided by law in elections for representatives in congress; and when the result of said election is so ascertained, the governor of the state shall issue his proclamation announcing said result. This section shall take effect from and after its passage.

Duty of secretary of state.

§ 41. The secretary of state shall cause to be published in pamphlet form 50,000 copies of this law immediately after the adjournment of the legislature, and shall forthwith send to each county clerk of the different counties five hundred copies thereof, to be distributed among the people; and it shall be the duty of the county clerks to cause said laws to be distributed throughout their counties respectively.

APPROVED February 12, 1855.

AN ACT defining the duties of the Auditor of Public Accounts relative to banks going into liquidation. In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That whenever any person or association of persons, formed for the purpose of banking, under the provisions of "An act to establish a general system of banking," passed February 15, 1851, has heretofore, or shall hereafter, be protested and go into liquidation, any person or corporation may return and deliver over to the auditor the circulating notes of such bank in sums of not less than one thousand dollars, which notes shall be canceled and destroyed, in like manner as mutilated notes are required to be canceled and destroyed; and the auditor shall deliver to such person or corporation, or to their agent, an equal amount of the securities deposited by such bank: *Provided*, that the provisions of this section shall only apply in cases where the securities deposited, have depreciated in value below the price at which they were deposited.

Auditor to cancel notes of banks going into liquidation.

Proviso.

§ 2. Any person or corporation desiring to exchange notes for securities, as provided for in the foregoing section, may do so at any time before the securities shall have been forwarded by the auditor for sale; and in no case shall the auditor forward any such securities for sale until after the expiration of twenty days from the publication of the notice required to be published by the 26th section of the general banking law of this state, nor until after the expiration of twenty days from the passage of this act. If in the opinion of the auditor the assets of the bank will not be sufficient to pay the whole amount of the notes outstanding, the person or corporation shall pay a *pro rata* share of the expenses incurred up to the date of making the exchange, in proportion to the amount of securities received by him or them.

Exchange notes for securities.

§ 3. The necessary expenses incurred by the auditor, in making demands of payment of notes protested, publishing notices, making application for the appointment of receivers, court fees, attorney fees, and one per cent. on the amount of securities, to cover the expense of disposing of said securities and redeeming the circulation, shall be paid out of the assets of the bank in the hands of the auditor; and the expenses incurred by receivers, including their compensation, shall be paid out of the assets that may come into their hands.

Expenses to be paid out of the assets of the bank.

§ 4. Receivers appointed under the general banking law of this state, shall report to the auditor, within twenty days after their appointment, the condition of the bank, as near as practicable, and shall return the circulating notes of the bank which may have been redeemed and on hand

Receiver to make report.

at the time he or they shall take charge of the assets, and shall quarterly thereafter return all such circulating notes of the bank, as he or they may redeem; all which circulating notes shall be canceled and destroyed in like manner as mutilated notes are required to be canceled and destroyed. In making descriptive lists of mutilated or other circulating notes returned for cancellation, or of notes redeemed by the auditor, it shall not be necessary to set forth the numbers of such notes, but the number of notes and the amount of each denomination shall be set forth.

§ 5. This act shall be in force from and after its passage.

APPROVED Feb. 14, 1855.

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In force Feb. 14, 1855, AN ACT to amend an act entitled "An act to amend the act entitled 'Fees and Salaries,'" chapter 41 Revised Statutes.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That every witness attending at any term of any court of record in this state shall be entitled to one dollar for each day's attendance; and when said witness resides more than eight miles from the place of holding court, five cents per mile for each mile's necessary travel, to be computed for going only.*

County not liable. § 2. That no county shall be liable in any case for the fees provided in the ninth section of this act to which this is an amendment.

Act repealed. § 3. Section ten of the act to which this is an amendment is hereby repealed.

§ 4. This act to be in force and take effect from and after its passage.

APPROVED Feb. 14, 1855.

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In force Jan. 10, 1855, AN ACT to amend "An act to establish a general system of banking, and the act supplementary thereto," approved Feb. 10, 1853.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That whenever any banking association which has been or may be formed under the act to which this is an amendment, shall desire to close the business of circulating its bills, it shall*

Auditor to deliver up securities.



be lawful for such association to file a certificate in the office of the auditor of its desire and intention to withdraw its bills from circulation; and thereupon it shall be lawful for such banking institution to surrender to the auditor its bills, in sums of not less than one thousand dollars; and when such surrender shall be made, it shall be the duty of the auditor to deliver to such banking association a *pro rata* amount of the securities deposited with him by such association.

§ 2. Whenever any banking association shall surrender to the auditor any amount of its bills, and shall pay to the auditor an amount, in specie, equal to all the outstanding bills of such banking association, the auditor shall surrender to such association all the securities deposited with him by such association, and the auditor shall return the specie so paid to him under the same regulations and for the same purposes for which the securities were held.

Banking association to surrender its circulation.

§ 3. Whenever any banking association shall file the certificate contemplated in the first section of this act, with the auditor, said association shall cease to pay out or circulate its bills; and any such banking association which shall, after filing said certificate, and withdrawing its securities, or any portion thereof, under the provisions of this act, pay out or issue any of its bills, shall be subject to the same penalties which are imposed by the act to which this is an amendment, upon persons or associations illegally issuing bills for circulation, as or in lieu of money.

Banking association to file certificate.

§ 4. After filing the certificate aforesaid, said bank filing the same shall cease to do any banking business whatever, and also to have any banking powers, except to wind up its concerns, collect debts due to it and pay debts due from it, to sue and be sued therefor: *Provided*, that the auditor shall retain a sufficient amount of stocks at their certain value, to pay on the remaining outstanding notes of said bank.

Bank to cease doing business.

Provided.

§ 5. This act to take effect and be in force from and after its passage.

APPROVED Jan. 10th, 1855.

AN ACT amending the fortieth chapter of the Revised Statutes, in relation to evidence. In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That in all cases where any lands or lots have been, or may be sold* Certified copies of patents to be read in evidence

by this state, or any of the officers thereof, under the authority of any law of this state, whereof the patent shall be signed by the Governor, under the seal of this state, and in case said patent has been or shall purport to be recorded in the recorder's office of the county where the lands or lots are situated, and said patent shall be lost or out of the power of the party desiring to use the same, to produce in evidence, a copy of the record of said patent, certified by the recorder of said county, may be read in evidence, in place of said original patent; which copy, certified as aforesaid, shall be *prima facie* evidence of the issuing of said patent and of the contents thereof.

Certified copies of entries to be read in evidence.

§ 2. That copies of the books and entries of the sale of all lands or lots heretofore or that hereafter may be sold by this state, or any of the officers thereof, under any law of this state, certified to be true and correct copies of such books and entries by the proper person or officer in whose custody said books and entries may properly be, shall be *prima facie* evidence of the facts stated in said books and entries.

§ 3. This act shall be in force from and after its passage.

APPROVED Feb. 14, 1855.

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In force Feb. 15, 1855. AN ACT to amend an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved Feb. 27, 1854.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all police magistrates, when elected, shall severally hold their offices for the term of four years, and until others are elected and qualified; and in case of the death, resignation, or removal from the town or city of any of the said police magistrates, their offices shall be deemed thereby vacated, and such vacancies shall be filled by special elections for that purpose, notified and conducted in the same manner as is now provided by law for special elections for justices of the peace.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

AN ACT to repeal part of section 13 of an act regulating the collection of the revenue.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of section thirteen of an act regulating the collection of the revenue as authorises the collectors to collect in addition to all other taxes, fifty cents from each tax payer, provided said payment is not made previous to the first day of March annually, be and the same is hereby repealed.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 15, 1855.

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AN ACT to amend the assessment and revenue laws.

THE ASSESSMENT OF PROPERTY AND THE COLLECTION OF TAXES, IN COUNTIES ADOPTING THE TOWNSHIP ORGANIZATION LAW.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the act entitled "An act for the assessment of property and the collection of taxes in counties adopting the township organization law," approved February 12, 1853, be and the same is hereby so amended that wherever the word assessor or assessors occurs in said act, it shall be held to mean "town assessor," or "town assessors," as the case may be. TOWN ASSESSOR.

§ 2. The return of the schedule or list of taxable property belonging to any railroad company or companies, required to be made by this act, shall be made to the county clerk, instead of the assessor; and the clerk shall lay the same before the board of supervisors when they meet to equalize the assessment of property. If a majority of said board are satisfied that such return is correct, they shall assess it accordingly; but if they believe that such schedule or list does not contain a full and fair statement of the property of such company, subject to taxation in said county, made out and valued in accordance with the requirements of law, said board shall assess such property, or cause it to be assessed, in accordance with the rules prescribed for assessing such property. The schedule or list referred to in this section shall be delivered at the office of the county clerk of the proper county on or before the first day of May in the year in which such property is required to be assessed; and if such schedule or list be not so delivered within the time specified in this section, it shall be the duty of the county clerk to obtain, as near as practicable, a correct list of the property of such company, with the valuation thereof, in each town or district in his county; which list shall be laid before the board; and said board Assessment of railroad property.

shall take action thereon in like manner as if the return had been made by the company, and shall allow the clerk such compensation as may be right and proper for his services and expenses in obtaining such list. All property, whether owned by individuals or corporations, shall be listed with reference to the quantity on hand and owned on the first day of April instead of May: *Provided*, that government or other lands not previously listed shall be returned, and be subject to taxation in accordance with the fifty-sixth section of the act mentioned in the first section of this act.

Quantity on hand  
first of April to  
be taxed.

Penalty for refusal to list.

§ 3. Every company, required to make return as aforesaid, that shall refuse or neglect to deliver to the clerk of the proper county, or to his deputy, within the time specified in the foregoing section, a correct list of their taxable property in such county, made out in accordance with the requirements of the laws of this state, shall be liable to the penalty imposed by the eighth section of the act referred to in the first section of this act.

Manner of making list of real property of railroads.

§ 4. The schedule or list of the taxable property of railroad companies shall set forth a description of all the real property owned or occupied by the company in each county, town and city through which such railroad may run; and the actual value of each lot or parcel of land, including the improvements thereon, except the track or superstructure of said road, shall be annexed to the description of such lot or parcel of land. Said list shall set forth the number of acres taken for right of way, stations or other purposes, from each tract of land through which said road may run, describing said land as near as practicable, in accordance with the surveys of the United States, giving the width of the strip or parcel of land, and its length through each tract; also, the whole number of acres and the aggregate value thereof in said county, town and city. All of the property mentioned in this section shall be denominated real property. The list aforesaid shall set forth the length of the main track, and the length of all side tracks and turnouts in each county, city and town through which the road may run, with the actual value of the same, and the value of the improvements at each of the several stations, when said stations are not a part of city or town lots. The said stations and track shall be denominated "fixed and stationary personal property." The list shall contain an inventory of the rolling stock belonging to said company, with the value thereof; said rolling stock shall be denominated "personal property; also, a statement of the value of all other personal property owned by said company in each county, city and town. The length of the whole of the main track within this state, and the total value of the rolling stock, shall be set forth in said list. The

Fixed and stationary property

Rolling stock.

rolling stock shall be listed and taxed in the several counties, towns and cities, *pro rata*, in proportion as the length of the main track in such county, town or city bears to the whole length of the road. All other property shall be listed and taxed in the county, town or city where the same is located or used. The description of all lands owned by

Description  
property.

any railroad company, for right of way or station purposes, other than those which are a part of a laid off town, city or village, shall be entered by the assessor on his books, as being a strip or tract of land extending on each side of the said railroad track and embracing the same, commencing at the point where the said railroad track crosses the boundary line of said county, city or town, and extending to the point where the said track crosses the boundary line of said county, city or town, or to the point of its termination in the same, as the case may be, containing

Change of value  
notice to be  
given.

acres, more or less, (inserting name of county, city or town, boundary line of the same, and number of acres,) and when advertised by any sheriff or collector, to be sold for taxes, or when so sold, no other description shall be necessary. If any clerk or assessor as aforesaid shall change the valuation of the property as aforesaid, or any of the same, that shall be returned by any railroad company, he shall give notice of such change, as provided for in section nine of "An act for the assessment of property and the collection of taxes in counties adopting the township organization law," approved February 12, 1853.

§ 5. The county clerk shall furnish, at the expense of the county, suitable blanks for the use of the assessors, and he is hereby authorized and required to assess and enter on the list for taxation any and all property, whether real or personal, that may have been omitted in the regular assessment list; and if any such omissions be not discovered in time to be entered on the tax list of the proper year, he shall add the amount of tax due thereon to the tax of the following year. The list of taxable real estate required to be furnished for the use of the assessors shall be made out from the collector's book, instead of the assessment list, and the town collectors shall deposit the tax lists or books furnished them by the county clerk with the county treasurer, at the time of their settlement with said treasurer; and said treasurer shall, within two months thereafter, deliver said tax books to the county clerk, who shall deposit them in his office, to be kept as part of the records of said office.

Duty of county  
clerk.

Books to be de-  
livered.

§ 6. Each assessor shall, at the time of taking a list of personal property in the year or years in which the real property is not required to be listed, also take a list of all real property situate in his town that shall have become subject to taxation since the last previous listing of proper-

Duty of assessors.

ty therein, with the value thereof, and of all new buildings or other structures of any kind, the value of which shall not have been previously added to or included in the valuation of the real property on which such structures have been erected, and shall make return thereof to the county clerk at the same time he makes return of the personal property; in which return he shall set forth a description of the real property on which each of such structures shall have been erected, the kind of structures so erected, and the true value added to such parcel of real property by the erection thereof; and the additional sum which it is believed the land on which the structure is erected would sell for at private sale in consequence thereof, shall be considered the value of such new structure; and in case of the destruction by fire, flood or otherwise of any building or structure of any kind which shall have been erected previous to the last valuation of the land or lot on which the same shall have stood, or the value of which shall have been added to any former valuation of such land or lot, the assessor shall determine, as near as practicable, how much less such property would sell for at private sale in consequence of such destruction, and make return thereof to the county clerk, as in this section provided. In all such cases the clerk shall add to the former valuation of such property the amount of the additional value, and deduct from the former valuation the amount of decreased value, in accordance with the return made as aforesaid: *Provided*, that the board of supervisors shall have power to equalize or correct any such returns. If any tract or parcel of land shall be subdivided into town or city lots or blocks after the previous assessment thereof, it shall be the duty of the assessor, at the time of taking a list of the personal property as aforesaid, to assess and return the value of such lots or blocks in like manner as if the land had not been assessed; and the clerk shall correct the tax list accordingly. Section forty-nine of the act mentioned in the first section of this act, is hereby repealed, provided that the town assessors shall call at the clerk's office for the lists, blanks, &c.

REGULATING THE COLLECTION OF THE REVENUE IN COUNTIES  
ADOPTING THE TOWNSHIP ORGANIZATION LAW.

**Approval of bond**     § 7. The act entitled "An act regulating the collection of the revenue in counties adopting the township organization law," approved February 12, 1853, be so amended that the judge of the county court, county clerk and chairman of the board of supervisors shall have power to approve of the bond required by the third section of said act, in like manner as the board of supervisors have power to

approve of such bonds; which bond shall be executed before the first day of December in each and every year: *Provided*, that any such bond executed after the time specified in this section shall not be void in consequence of not having been executed within the time aforesaid. But in no case shall the county treasurer act as collector, or receive any state revenue, until after he shall have executed and filed the bond required by the aforesaid third section. Proviso.

§ 8. The collector may advertise the list of delinquent lands and town or city lots upon which any taxes remain due and unpaid on the second Monday in March, at any time thereafter. Advertising.

§ 9. The lands and lots delinquent for taxes of the year 1854, or for any previous year or years, shall be sold on the second Monday in May, 1855: *Provided*, that if for any cause judgment thereon shall not be obtained at the May term of the county court, judgment may be had at any regular term of the county court thereafter, and the sale shall be on the Monday next after the first day of the term at which judgment is obtained; which sale may be continued from day to day, as is now provided for by law. Sale.

§ 10. All lands and town or city lots upon which the taxes shall remain unpaid on the second Monday of March next, after such taxes become due, shall be considered delinquent; and all such lands and lots shall be sold on the second Monday of May next after they become delinquent, or as soon thereafter as practicable. Sections fifteen, sixteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-five of the act mentioned in the seventh section of this act, and all other acts or parts of acts conflicting with this act, are hereby repealed: *Provided*, that so much of the aforesaid sections and laws as requires fifty per cent. and costs to be charged and collected on the tax of the year 1853, remaining unpaid, shall remain in full force. Lands and lots to be sold.

§ 11. The fees allowed by law for making out the list of real estate for the use of the assessors shall be paid out of the county treasury; and the board of supervisors shall allow the clerk such reasonable compensation as may be right and just for his services in making out and recording the abstract required to be made out and recorded by the tenth section of the act mentioned in the seventh section of this act, and for making list of delinquent lands and lots sold for taxes, for the auditor's office, and for making settlement with the county collector, and for making certified statement of said settlement for the use of the auditor's office; all of which shall be paid out of the county treasury. Repeal.

Proviso.

Fees

**“AN ACT FOR THE ASSESSMENT OF PROPERTY,” IN COUNTIES  
NOT ADOPTING TOWNSHIP ORGANIZATION.**

**Railroad property.** § 12. Sections two, three and four of this act shall apply to the listing of the taxable property of railroad companies, and be in force in all the counties in this state, whether such counties have adopted the “Act to provide for township organization” or not: *Provided*, that in counties that have not adopted township organization, the return shall be made to the assessor, instead of the county clerk, and said assessor shall have power, and it shall be his duty to obtain a list of such property, if such list be not furnished by the company; or if he believe that the list furnished is not correct, he shall correct the same.

**Proviso.**

**Duty of county clerk.** § 13. The act entitled “An act for the assessment of property,” approved February 12, 1853, be so amended that the county clerk shall furnish, at the expense of the county, on or before the first day of April in each year, suitable blanks, books, &c., for the use of the assessor, and he is hereby authorized and required to assess and enter on the list for taxation any and all property, whether real or personal, that may have been omitted in the regular assessment list, and if any such omissions be not discovered in time to be entered on the tax list of the proper year, he shall add the amount of tax due thereon to the tax of the following year. All property, whether owned by individuals or corporations, shall be listed with reference to the quantity on hand and owned on the first day of April, instead of May: *Provided*, that government or other lands, not previously listed, shall be returned and be subject to taxation in accordance with the fiftieth section of the act mentioned in this section. The list of taxable real estate required to be furnished for the use of the assessors, shall be made out from the collector’s book, instead of the assessment list, and shall be delivered to the assessor on or before the first day of April, in the year in which real estate is required to be listed; and the county clerk shall be paid for making said list in accordance with the provisions of section fifty-eight of the act mentioned in this section.

**Quantity on hand first of April to be taxed.**

**Proviso.**

**List of real estate.**

**Work to be paid.**

**Duty of assessors** § 14. Each assessor shall, at the time of taking a list of the personal property, in the year or years in which the real property is not required to be listed, also take a list of all real property situate in his county, that shall have become subject to taxation since the last previous listing of property therein, with the value thereof, and of all new buildings, or other structures of any kind, the value of which shall not have been previously added to or included in the valuation of the real property on which such structures have been erected, and shall make return



thereof to the county clerk, at the same time he makes return of the personal property; in which return he shall set forth a description of the real property on which each of such structures shall have been erected, the kind of structures so erected, and the true value added to such parcel of real property, by the erection thereof; and the additional sum, which it is believed the land on which the structure is erected, would sell for at private sale, in consequence thereof, shall be considered the value of such new structure; and in case of the destruction by fire, flood or otherwise, of any building or structure of any kind which shall have been erected previous to the last valuation of the land or lot on which the same shall have stood, or the value which shall have been added to any former valuation of such land or lot, the assessor shall determine, as near as practicable, how much less such property would sell for at private sale in consequence of such destruction, and make return thereof to the county clerk, as in this section provided. In all such cases the clerk shall add to the former valuation of such property the amount of the additional value, and deduct from the former valuation the amount of decreased value, in accordance with the return made as aforesaid. If any tract or parcel of land shall be subdivided into town or city lots or blocks, after the previous assessment thereof, it shall be the duty of the assessor, at the time of taking a list of the personal property, as aforesaid, to assess and return the value of such lots or blocks in like manner as if the land had not been assessed, and the clerk shall correct the tax lists accordingly.

**“AN ACT REGULATING THE COLLECTION OF THE REVENUE”  
IN COUNTIES NOT ADOPTING TOWNSHIP ORGANIZATION.**

§ 15. The act entitled “An act regulating the collection of the revenue,” approved February 12, 1853, be so amended that the collector may advertise the list of delinquent lands and town or city lots at any time after the first day of April next, after the taxes thereon become due, and may obtain judgment at the May term of the county court, or at any regular term of said court thereafter; and shall sell on the Monday next following, the first day of the term at which judgment is obtained. All lands and town or city lots upon which the taxes shall remain unpaid on the first day of April next, after such taxes become due, shall be considered delinquent. The lands and lots delinquent for taxes of the year 1854, or any previous year or years, shall be sold in the year 1855, for such taxes, together with the damages and costs chargeable thereon.

Advertise and  
sell real property

Repeals.

§ 16. Section nineteen, so much of section twenty as requires collector to make out for his own use, copies of the list of delinquent lands and lots, and to file with the clerk a statement of the taxes collected by him during the month of May, and all of sections twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and twenty-nine of the act mentioned in the fifteenth section of this act, and all other acts or parts of acts conflicting with this act, are hereby repealed: *Provided*, that so much of the aforesaid sections and laws as requires fifty per cent. and costs to be charged and collected on the tax of the year 1853, remaining unpaid, shall remain in full force.

Provide.

Clerks' fees.

§ 17. The county court shall allow the clerk such reasonable compensation as may be right and just for his services in making out and recording the abstract required to be made and recorded by the tenth section of the act mentioned in the fifteenth section of this act, and for making list of delinquent lands and lots sold for taxes, for the auditors office, and for making settlement with the county collector, and for making certified statement of said settlement for the use of the auditors' office, all of which shall be paid out of the county treasury.

Law creating  
fund for Insane,  
Blind and Deaf  
and Dumb, re-  
pealed.

§ 18. *And be it further enacted*, That so much of section one of an act, entitled "An act to amend the act establishing the Illinois State Hospital for the Insane," approved February 15, 1851, and so much of an act to which it is an amendment, as authorizes the levying of any tax for the purpose of creating a "fund for the insane," and the twelfth section of an act entitled "An act to establish the Illinois Institution for the Education of the Blind," approved January 13, 1849, and the first section of an act entitled "An act creating a fund for the education of the Deaf and Dumb," approved February 15, 1851, and so much of any other act or acts as authorizes the levying of a special tax for the benefit of the institutions aforesaid, or either of them, be and the same is hereby repealed.

Tax of 1854 dis-  
posed of.

§ 19. The taxes levied under the acts mentioned in the foregoing section for the year 1854 and prior years, when paid into the state treasury, and all such taxes now in the state treasury, shall be added to the tax levied for defraying the ordinary expenses of the state government; and the tax for defraying the expenses of the government, be and the same is hereby increased one-fifth of a mill, so that on the assessment of taxable property for the year 1855, and annually thereafter, the rate of taxation for said purpose, shall be one and one-fifth mill on each dollars' worth of taxable property; which tax, together with the taxes authorized to be levied for paying the state

Rate of state tax  
for all purposes.

debt and interest thereon, shall annually hereafter be equal to forty-seven cents on every one hundred dollars' valuation of taxable property.

§ 20. So much of the several acts mentioned in this act, as requires a list of the non-resident property to be made separate from the resident property for the use of county treasurer or county collector, be and the same is hereby repealed, and hereafter the clerk shall include all the taxable property, whether owned by residents or non-residents, in the tax lists furnished the town collectors. All real property returned by the town collectors to the county collector as delinquent, shall be considered non-resident property, and the county collector shall proceed to collect the taxes due thereon by sale or otherwise, as provided for by law. Town collectors shall make out and deliver to the county collector, at the time of their settlement, a list of all the delinquent property aforesaid, which list shall contain a true description of said property, the name of the person to whom listed, the amount of taxes charged on each parcel of property, and such other facts relative thereto as may be set forth in the list furnished him.

List of non-resident property not required.

§ 21. The auditor shall obtain from the secretary of state, a certified copy of this act, and shall cause a sufficient number thereof to be printed and forwarded to the county clerks of the several counties, for the use of the officers of said counties.

Law published.

§ 22. In counties that have adopted township organization, the tax on property owned by railroad companies shall not be charged on the tax books made for the use of the town collectors, but a certified statement of such tax and property shall be delivered to the county collector, and said collector shall collect the amount of tax due from such company or companies, and pay the same over to the state treasurer and other persons authorized to receive it, in like manner as taxes due on non-resident property are required to be collected and paid over by him. If any such company shall neglect or refuse to pay any tax due by them, as provided for by law, and the collector cannot find property in his county, belonging to such company, sufficient to make the amount of tax due as aforesaid, he may, and it shall be his duty to prosecute suit therefor in any court having jurisdiction thereof in this state. That in cases where judgment has heretofore or may hereafter be rendered for taxes due on real estate, and from any case whatever the collector failed to offer the property for sale at the time required by law, said collector may offer said property, or so much thereof as may be necessary to pay taxes and costs remaining unpaid at the time of sale, at any subsequent time, by giving notice of the time and place

County collector to collect tax on railroad property.

of said sale, which notice shall be published in like manner, and for the length of time that notices for judgments and sale of such property are required to be published; and in cases of appeals in suits for delinquent taxes, when the judgment is affirmed, sale may be made at any time after the affirmation of such judgment, by giving notice as aforesaid. The fees for publishing notice as aforesaid shall be charged and collected as other costs.

§ 23. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 14, 1855.

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AN ACT to amend an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," Approved Feb. 27th, 1854.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of said act as requires the officers therein named to be elected at the elections of officers for said towns and cities for the year A. D. 1854, be and is hereby so amended, that in those towns and cities where they failed to elect said officers in the said year 1854, they may elect them at the elections to be held therein for said officers in any subsequent year.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

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AN ACT to amend the one hundred and ninth chapter of the Revised Statutes, entitled "Wills."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all wills, testaments and codicils, which heretofore have been, or shall hereafter be made, executed and published out of this state, may be admitted to probate in any county in this state in which the testator may have been seized of lands, or other real estate, at the time of his death, in the same manner, and upon like proof as if the same had been made, executed and published in this state, whether such will, testament or codicil, has first been probated in the state, territory or county in which it was made and declared or not.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED, Feb. 14th, 1855.

AN ACT to amend an act entitled "An act to provide for township organization."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the third section of article twenty-fifth of an act to provide for township organization, approved February 17, 1851, be so amended that hereafter the village of Naperville shall be entitled to elect one supervisor, in addition to the township supervisors, and the supervisor so elected shall be a member of the board of supervisors of Du Page county, and shall have, possess and enjoy all the rights, powers and privileges that are now or hereafter shall be possessed and enjoyed by the several township provisions of said county. The election for such supervisor to be held at such time and in such manner as the act of incorporation of the said village of Naperville shall provide.

§ 2. This act shall be in force from and after its passage.

APPROVED Feb. 14, 1855.

AN ACT amendatory of an act entitled "An act to provide for the sale of the state lands and liquidation of state indebtedness, and to grant the right of pre-emption to settlers on state lands," in force February 14th, 1853. In force Feb. 10, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the right of pre-emption to state lands, as provided for in the eighth section of the above recited act be and they are hereby continued in full force and virtue for the further period of one year, from and after the thirteenth day of February, of the year one thousand eight hundred and fifty-five, subject, however, to regulations and restrictions prescribed by the said section: *Provided always,* that the owners of improvements, at the time of the passage of this act to which this is an amendment, made on any forty or eighty acre tract of said lands, shall be entitled to purchase and have said tract, not exceeding eighty acres, at the sum of three dollars and fifty cents per acre. Right of pre-emption on state lands extended. Provide.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 10, 1855.

in force Feb. 14, 1855. AN ACT to regulate the agencies of insurance companies not incorporated by the state of Illinois.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall not be lawful for any agent or agents of any insurance company, incorporated by any other state than the state of Illinois, directly or indirectly, to take risks or transact any business of insurance in this state, without first producing a certificate of authority from the auditor of state; and before obtaining such certificate, such agent or agents shall furnish the said auditor with a statement, under the oath of the president or secretary of the company for which he or they may act, which statement shall show:—

- 1st. The name and locality of the company.
- 2d. The amount of its capital stock.
- 3d. The amount of capital stock paid up.
- 4th. The assets of the company, including
  1. The amount of cash on hand, and in the hands of agents or other persons.
  2. The real estate unincumbered.
  3. The bonds owned by the company, and how they are secured, with the rate of interest thereon.
  4. Debts of the company, secured by mortgage.
  5. Debts otherwise secured.
  6. Debts for premiums.
  7. All other securities.
- 5th. The amount of liabilities, due or not due to banks or other creditors, by the company.
- 6th. Losses adjusted and due.
- 7th. Losses adjusted and not due.
- 8th. Losses unadjusted.
- 9th. Losses in suspense, waiting for further proof.
- 10th. All other claims against the company.
- 11th. The greatest amount insured in any one risk.
- 12th. The greatest amount allowed by the rules of the company to be insured in any one city, town or village.
- 13th. The greatest amount allowed to be insured in any one block.
- 14th. The act of incorporation of such company.

Which statement shall be filed in the office of said auditor, together with a written instrument, under the seal of the company, signed by the president and secretary, authorizing such agent to acknowledge service of process, for and in behalf of such company, consenting that service of process upon such agent shall be taken and held to be as valid as if served upon the company, according to the laws of this state or any other state, and waiving all claim of error, by reason of such service. And no insurance company, or agent or agents of any insurance company incorporated by any other state, shall transact any business of insurance in this state, unless such company is possessed of at least one hundred thousand dollars of actual capital, invested in stocks of at least par value, or in bonds or mortgages of real estate, with double the amount for which the same is mortgaged. And upon the filing of the aforesaid statement and instrument with the auditor of state, and furnishing

Agents of companies to file certificate with auditor under oath.

Service of process

him with satisfactory evidence of such investment, as aforesaid, it shall be the duty of said auditor to issue a certificate thereof, with authority to transact business of insurance, to the agent or agents applying for the same.

§ 2. It shall be unlawful for any agent or agents of any company, incorporated by any foreign government other than a state of this union, to transact any business of insurance in this state, without procuring a certificate of authority from the auditor of state, such agent or agents having first filed, under oath, in the office of said auditor, a statement, setting forth the charter or act of incorporation of the company for which he or they may act, and the matters required to be specified by the first section of this act, and the written authority therein mentioned, and furnished evidence to the satisfaction of the auditor of state that such company has invested in stocks of some one or more of the states of this Union, or of the United States, the amount of one hundred thousand dollars, and that such stocks are held by citizens of the United States. And the said agent or agents of such company, filing said statement and furnishing evidences of investment as aforesaid, shall be entitled to a certificate of authority in like manner as is provided for in the first section of this act.

Unlawful to transact business without certificate.

§ 3. It shall be the duty of the agent or agents, in either of the foregoing sections mentioned, before taking any risks, or transacting any business of insurance in this state, to file in the office of the clerk of the county court of the county in which he or they may desire to establish an agency for any such company, a copy of the statement required to be filed with the auditor of state as aforesaid, together with the certificate of said auditor, which shall be carefully preserved for public inspection by said clerk; and also to cause said statement and certificate to be published in some newspaper of general circulation in the cities of Chicago, Peoria and Springfield, not less than one month.

Agents to file statement with county clerk.

§ 4. The statement and evidences of investment required by this act shall be renewed annually, in the month of January in each year; the first statement to be made in the month of March next; and the auditor of state, on being satisfied that the capital, securities and investments remain secure, shall furnish a renewal of certificate as aforesaid; and the company, agent or agents obtaining such certificate shall file the same, together with the statement upon which it was obtained or renewed, in the office of the clerk of the county court of the county in which such agent resides.

Statement to be renewed annually.

§ 5. Whenever any loss shall occur of any property issued by any company authorised to take risks under this

Agent to retain possession of funds.

Proviso.

act, it shall be the duty of the agent by whom the insurance was made, to retain in his possession all moneys belonging to such company which may then be, or which may thereafter come into his possession, until such loss is adjusted and paid : *Provided*, that if suit shall be commenced by the party insured against such company, the officer or agent may give such satisfactory security to the court in double the amount of the claim, to abide the event of the suit; or if the party insured shall not commence suit within ninety days after the agent shall have given written notice to such party that the loss would not be paid, the agent may thereafter pay over to persons entitled, the money of said company; and if any person insured by such company meeting with a loss shall notify any other agent of such company thereof, it shall be the duty of such agent to return all the moneys belonging to such company which may then be or may thereafter come into his possession, as hereinbefore required of the agent with whom the insurance was effected.

Certified copies to  
be received as  
evidence.

§ 6. That copies of all papers required by this act to be deposited in the office of the auditor of state, certified under the hand of such auditor to be true and correct copies of such papers, shall be received as evidence in all courts and places in the same manner and have the same force and effect as the originals would have, if produced.

§ 7. Any person or persons violating the provisions of this act, shall, upon conviction thereof in any court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not more than thirty days, and fed on bread and water only, or both, at the discretion of the court. Violation of the provisions of this act may be prosecuted by information filed by the prosecuting attorney of the proper county, or by indictment of the grand jury.

§ 8. Any insurance company complying with the requirements of this act and receiving the certificate from the auditor, or for any of its agents, shall not be required to furnish but the single statement and evidence required hereby, which being filed with the auditor of state, shall be deemed a sufficient compliance for its free transaction of business in this state.

APPROVED February 14, 1855.



AN ACT to relocate a part of a state road in Kendall county.

In force Feb. 15,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Archibald Sears, Thomas Finnelly and J. J. Cole, are hereby appointed road commissioners, to review and relocate a part of the state road leading from Ottawa, La Salle county, to Naperville, Du Page county, Illinois, in the year 1837, by Benjamin F. Fridley, Isaac P. Hallack and Almon Iris, commissioners, appointed by an act of the legislature for that purpose. Commissioners.

§ 2. Said commissioners shall, on or before the first day of August, 1855, begin at angle in the centre of said road, on town line, between the towns of Fox and Big Grove, in the county of Kendall, and state of Illinois, and locate said road to the village of Pavillion, following the present traveled track, and passing through Baggsley's lane, the widow Gridley's lane, John Boyd's lane, the lands of James Evans, George Hollenback's lane, over the bridge which crosses the Ackley creek or river, the lane formed by lands and enclosures of John A. Cook and Whitman Stone, the opening formed by said road in the south west end of Long Grove, on the most practicable route, to Pavillion, having regard to the interest of the traveling public, and to the damages to private property holders. Route of road.

§ 3. That they shall cause a survey and plat to be made and recorded with the clerk of the county court of Kendall county. Plat to be made and recorded.

§ 4. Said commissioners shall be entitled to two dollars per day, each, together with the necessary expenses of surveying, to be paid out of the county treasury of Kendall county, on a certificate of the clerk of the county court of said county of Kendall. Compensation.

§ 5. This act to be in force from and after its passage.

APPROVED Feb. 15, 1855.

AN ACT to establish a state road in the counties of Johnson, Massac and Pope. In force Feb. 15,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James Hodge and Griffiths Detterlen, of Pope county, William Jackson, of Johnson county, and John Wilburn, of Massac county, be and they are hereby appointed commissioners to locate a state road leading from New Liberty, in Pope county, by way of James Hodge, in said county; thence Commissioners.

to Neely Ford, on Rebenett's Creek; thence to Robert Dettleren's; thence to William Holms; thence to William Jackson's, and thence to intersect the Frankfort road leading from Metropolis city to the town of Frankfort, at or near Nathaniel Commer's, in Johnson county. The said commissioners, or a majority of them, shall meet at New Liberty, in Pope county, on the first Monday of March next, or as soon thereafter as shall suit their convenience, and after taking an oath before some justice of the peace, faithfully to perform the duties required of them by this act, shall proceed to view, survey, mark and locate said road; shall make a report of the location of said road, giving the most noted points thereon, and return a copy of said report to the clerk of the county court of each of said counties through which said road passes, which shall be filed by him in his office; and said road, thus laid out, is hereby declared a public state road, and shall be opened and kept in repair in the same manner as other public roads are.

to make report.

Damages.

§ 2. The county court of the respective counties in which said road shall be located shall cause to be paid to the said commissioners a reasonable compensation for their services out of the county treasury; each county to have her equal proportional, as part of said expenses, according to the distance said road shall pass through the same. This act to take effect from and after its passage.

APPROVED Feb. 15, 1855.

in force Feb. 14, 1855. AN ACT to change the boundary lines of a certain school district therein named.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That hereafter the west half of section numbered thirty-five, (35,) all of section numbered thirty, (30,) east half of section numbered thirty-three, (33,) in township numbered four, (4;) also, west half of section numbered two, (2,) all of section numbered three, (3,) and the east half of section numbered four, (4,) township numbered three, (3,) all north of range numbered ten, (10,) east of the third principal meridian, in the county of Richland, shall form and constitute a district for school purposes; and such parts of the original district as are not included within the limits of the district as herein provided for, shall be annexed to and form parts of the school districts to which they are respectively contiguous.

New  
formed  
school  
districts.

district  
for  
purpo-

§ 2. This act to take effect from and after its passage.  
APPROVED Feb. 14, 1855.

## AN ACT for the relief of Andrew Elliott.

In force Feb. 12,  
1855.

*Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Andrew Elliott shall be, and he is hereby released from, a recognisance for the sum of two hundred dollars, on which judgment has been obtained in the circuit court for Sangamon county, against him, as security for Thomas Elliott; which recognisance was for the appearance of Thomas Elliott in said court: *Provided*, said Andrew Elliott shall first pay all costs incurred on said recognisance.

APPROVED Feb. 12, 1855.

## AN ACT to establish and maintain a system of free schools.

In force Feb. 15  
1855.

## STATE SUPERINTENDENT OF PUBLIC INSTRUCTION—HIS ELECTION AND DUTIES.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That at the election to be held on Tuesday after the first Monday of November, A. D. 1856, and biennially thereafter, there shall be elected, by the legal voters of this state, a state superintendent of public instruction, who shall hold his office for two years, and until his successor is duly elected and qualified.

Election of sa  
perintendent.

§ 2. Before entering upon his duties he shall take and subscribe the usual oath of office, and shall also execute a bond in the penalty of twenty-five thousand dollars, payable to the state of Illinois, with sureties to be approved by the governor, conditioned for the prompt discharge of his duties as superintendent of public instruction, and for the faithful application and disposition, according to law, of all school moneys that may come into his hands by virtue of his office; said bond and oath shall be deposited with the secretary of state, and an action may be maintained thereon by the state, at any time, for a breach of the conditions thereof.

To give bond.

§ 3. It shall be his duty to keep an office at the seat of government of the state, and to file all papers, reports and public documents transmitted to him by the school officers of the several counties, each year separately, and to keep and preserve all other public documents, books and papers relative to schools coming into his hands as state superintendent, and to hold the same in readiness to be exhibited to the governor, or to any committee of either house of the general assembly, and shall keep a fair record of all matters pertaining to the business of his office.

Keep office at the  
seat of govern-  
ment.

§ 4. He shall, without delay, pay over all sums of money which may come into his hands by virtue of his office,

Pay over moneys

to the officer or persons entitled to receive the same, in such manner as may be prescribed by law.

Advise with  
teachers.

§ 5. He shall counsel and advise, in such manner as he may deem most advisable, with experienced and practical school teachers, as to the best manner of conducting common schools, and as to the most approved text books, maps, charts, apparatus, &c., to be used in common schools.

Supervision of  
common schools

§ 6. Said superintendent shall have the supervision of all the common and public schools in the state, and shall be the general adviser and assistant of school commissioners in the state; he shall, from time to time, as he shall deem for the interest of schools, address circular letters to said commissioners, giving advice as to the best manner of conducting schools, constructing school houses, furnishing the same, and procuring competent teachers; he shall recommend the most approved text books, maps, charts and apparatus, and uniformity in the use of the same, as well as in the manner of conducting schools throughout the state.

To visit counties

§ 7. He shall visit every county in the state at least once during his term of office, confer freely with the school officers as to the manner of conducting schools, and shall deliver a public lecture to the teachers and people of each county on the subject of education, if deemed practicable, and perform generally such duties as may tend to advance the interest of education.

Report to gov.  
ernor.

§ 8. Said state superintendent shall, before the fifteenth day of December of every year preceding that in which shall be holden a regular session of the general assembly, report to the governor the condition of schools in the several counties of the state, the whole number of schools which have been taught in each county in each of the preceding years, commencing on the first Monday of October; what part of said number have been taught by males exclusively; what part by females exclusively; what part of said whole number have been taught by males and females at the same time; and what part by males and females at different periods; the number of scholars in attendance at said schools; the number of white persons in each county under twenty-one years of age; the amount of township and county fund; the amount of the interest of the state or common school fund, and of the interest of the township and of the county fund annually paid out; the amount raised by an *ad valorem* tax; the whole amount annually expended for schools; the number of school houses, their kind and condition; the number of townships and parts of townships in each county; the number and description of books and apparatus purchased for the use of schools and school libraries under the provisions of this act, the prices paid for the same, and total amount purchased, and what

quantity and how distributed; and the number and condition of the libraries, together with such other information and suggestions as he may deem important in relation to the school laws, schools, and the means of promoting education throughout the state; which report shall be laid before the general assembly at each regular session.

§ 9. The said state superintendent of public instruction shall make such rules and regulations as he may think necessary and expedient to carry into full effect the provisions of this act, and of all the laws which now are or may hereafter be in force for establishing and maintaining schools in this state; and the said superintendent shall have power, and it shall be his duty, to explain and interpret and determine to all school commissioners, directors, township and other school officers, the true intent and meaning of this act, and their several duties enjoined thereby, and his decision shall be final, unless otherwise directed by the legislature, or reversed by a court of competent jurisdiction.

Make rules and regulations.

To interpret the meaning of this act.

§ 11. The said state superintendent shall have power to direct and cause the school commissioner of any county, directors or board of trustees or township treasurer of any township, or other school officer, to withhold from any officer, or township, or teacher, any part of the common school, or township, or other school fund, until such officer, township, or teacher, shall have complied with all the provisions of this act relating to his, her or their duties, and such rules and regulations as the state superintendent may prescribe, not inconsistent with this act; and the state superintendent may forbid the payment of any part of the common school, township, county, or other school fund, to any district in which the school or schools have not been kept according to law, or in which no school has been kept for six months during the year next preceding the demand for payment.

To cause school commissioners to withhold funds.

§ 12. And the said state superintendent shall receive annually the sum of fifteen hundred dollars, to be paid quarterly, as a salary for the services required under the provisions of this act, or any other law that may be passed, and also for all necessary contingent expenses, for books, postage and stationery pertaining to his office, to be audited and paid by the state, as the salaries and contingent expenses of other officers are paid.

Salary of superintendent.

#### SCHOOL COMMISSIONERS—THEIR ELECTION AND DUTIES.

§ 13. On the Tuesday next after the first Monday in November next, and on the Tuesday next after the first Monday in November, every two years thereafter, there

Election of school commissioners.

Commissioners to  
give bond.

shall be elected, by the qualified voters of each and every county in this state, a school commissioner, who shall execute the duties herein required. He shall, before entering upon his duties, take an oath for the faithful discharge of his duties. He shall, before entering upon his duties, execute a bond, payable to the state of Illinois, with two or more responsible freeholders as security, to be approved by the county court, in a penalty of not less than twelve thousand dollars, to be increased at the discretion of said court, in proportion to his responsibilities, conditioned that he will faithfully perform all the duties of school commissioner of said county, according to the laws which are or may be in force; by which bond the obligors shall be bound jointly and severally, and upon which an action or actions may be maintained by the board of trustees of the proper township, for the use of any township or fund injured by any breach thereof; and joint action may be had for two or more funds.

§ 14. The bond required in the foregoing section shall be in the following form, viz :

*State of Illinois,* } ss.  
                   *County.* }

Form of bond.

Know all men by these presents, that we, A B, C D, and E F, are held and firmly bound, jointly and severally, unto the people of the state of Illinois, in the penal sum of \_\_\_\_\_ dollars, to the payment of which we bind ourselves, our heirs, executors and administrators firmly by these presents. In witness whereof we have hereunto set our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 185 \_\_\_\_\_.

The condition of the above obligation is such, that if the above bounden A B, school commissioner of the county aforesaid, shall faithfully discharge all the duties of said office according to the laws which now are, or may hereafter be in force, and shall deliver over to his successor in office all moneys, books, papers and property in his hands as such school commissioner, then this obligation to be void; otherwise to remain in full force and virtue.

A— B—, [SEAL.]  
 C— D—, [SEAL.]  
 E— F—, [SEAL.]

And which bond shall be filed in the office of the county court.

Liability to removal

§ 15. The said commissioner shall be liable to removal by the county court for any palpable violation of law, or omission of duty; and if a majority of said court shall at any time be satisfied that his bond is insufficient, it shall be his duty, on notice, to execute a new bond, to be payable, conditioned and approved as the first bond;

the execution of which shall not affect the old bond, or the liability of the security thereon; and when the office of school commissioner shall become vacant by death, resignation or otherwise, the county court or board of supervisors shall fill the same by appointment for the unexpired term, and the person so appointed shall hold his office until his successor shall be qualified.

Office becoming vacant to be filled by appointment.

§ 16. The said commissioner shall provide three well bound books, to be known and designated by the letters A, B, C, for the following purposes: In book A he shall record at length all petitions presented to him for the sale of common school lands, and the plats and certificates of valuation made by or under the direction of the trustees of schools, and the affidavits in relation to the same. In book B he shall keep an account of all sales of common school lands; which account shall contain the date of sale, name of purchaser, description of lands sold, and the sum sold for. In book C he shall keep a regular account of all moneys received for lands sold, or otherwise, and loaned or paid out; the person of whom received, and on what account, and showing whether it is principal or interest; the person to whom loaned, the time for which the loan was made, the rate of interest, the names of the securities when personal security is taken, or if real estate is taken as security, a description of said real estate, and if paid out, to whom, when, and on what account, and the amount paid out; the list of sales, and the accounts of each township fund to be kept separate. Said books shall be paid for out of the county treasury of the counties in which they are used.

To provide books to keep an account of sale of lands and moneys recd.

§ 17. Whenever the bond of the township treasurer, approved by the board of trustees of schools, as required by law, shall be delivered by the trustees of schools, or either of them, to the school commissioner, he shall receive and file the same with the papers of his office. He shall then, on demand, deliver to said township treasurer, who shall receipt therefor, all moneys in his hands belonging to said township; also, all bonds, mortgages, notes and securities of every description, for money or property due or to become due the township, and all papers of every description belonging or in anywise pertaining to the rights or interests of said township; and the receipt of said treasurer to the school commissioner shall be carefully preserved, and shall be evidence of the facts therein stated, as well in favor of the school commissioner as against the township treasurer.

Bond of the township treasurer.

§ 18. Upon the receipt of the amount due upon the auditor's warrant, as provided in section sixty-nine hereof, the school commissioner shall apportion said amount, (except the amount allowed said commissioner, as provi-

School commissioner to apportion state funds.

ded for in section seventy-five hereof,) to the several townships and fractional townships in his county, according to the number of white children under twenty-one years of age, returned to him, (as provided for in section thirty-eight hereof,) and in which townships or parts of townships schools have been kept in accordance with the provisions of this act, and with the instructions of the state and county superintendents, and shall pay over the distributive share belonging to each township and fractional township, as aforesaid, to the respective township treasurers, or other authorized persons, annually. When there is a county fund in the hands of any school commissioner, it shall be loaned, and the interest applied as provided in this section with respect to the interest on the state fund.

School commissioner to report to superintendent.

§ 19. The school commissioner shall, also, on or before the second Monday of November before each regular session of the general assembly, or annually, if so required to do by the state superintendent, communicate to said state superintendent all such information and statistics upon the subject of schools in the county as the said state superintendent is bound to embody in his report to the governor, (as provided for in section eight hereof,) and such other information as the state superintendent shall require; and the said school commissioner shall also communicate the aforesaid information and statistics to the county convention of his county, at its biennial meetings, and at such other meetings as said convention may require.

To deliver over moneys and property to successor.

§ 20. The school commissioner, upon his removal or resignation, or at the expiration of his term of service, (or in case of his death, his representatives,) shall deliver over to his successor in office, on demand, all moneys, books, papers, and personal property, belonging to the office, or subject to the control or disposition of the school commissioner.

School commissioner to loan funds.

§ 21. The school commissioner may loan any money, not interest, belonging to the county fund, or to any township fund, before the same is called for according to law by the township treasurer, at the same rate of interest, upon the same security and for the same length of time as is provided by this act in relation to the township treasurers; and notes and mortgages taken in the name of the "school commissioner" of the proper county, shall be, and all loans heretofore made in the name of "school commissioners," are hereby, declared to be as valid as if taken in the name of "trustees of schools" of the proper township, and suits may be brought in the name of "school commissioners," on all notes and mortgages heretofore or hereafter made payable to school commissioners.



§ 22. It shall be the duty of the school commissioner to visit, as often as practicable, the several schools of his county, and to note the common method of instruction and branches taught, and give such directions in the art of teaching, and the method thereof, in each school, as to him, together with the directors, shall be deemed expedient and necessary, so that each school shall be equal to the grade for which it was established, and that there may be, as far as practicable, uniformity in the course of studies in the schools of the several grades respectively, and shall carry out the advice and instructions of the state superintendent.

Commissioner to visit schools in his county.

§ 23. In all cases where the township board of trustees of any township shall fail to prepare and forward, or cause to be prepared and forwarded, to the school commissioner, the information and statistics required of them in section thirty-eight (38) of this act, it shall be the duty of said school commissioner to employ a competent person to take the enumeration, and furnish said statistical statement, as far as practicable, to the commissioner; and said person so employed shall have free access to the books and papers of said township, to enable him to make such statement; and the township treasurer, or other officer or person in whose custody such books and papers may be, shall permit said person to examine such books and papers, at such times and places as such person may desire, for the purposes aforesaid; and the said school commissioners shall allow, and pay, to the person so employed by him, for the services, such amount as he may judge reasonable, out of any money which is or may come into said commissioner's hands, apportioned as the share of or belonging to such township; and the said school commissioner shall proceed to recover and collect the amount so allowed or paid for such services, in a civil action before any justice of the peace in the county, or before any court having jurisdiction, in the name of the state of Illinois, of and against the trustees of schools of said township, in their individual capacity; and in such suit or suits the said school commissioner and township treasurer shall be competent witnesses; and the money so recovered, when collected, shall be paid over to the school commissioner, for the benefit of said township, to replace the money taken as aforesaid.

Duty of commissioner in case of failure to make returns.

Compensation.

§ 24. When any real estate shall have been taken for debts due to any school fund, the title to which real estate has become vested in any school commissioner, or trustees of schools, for the use of the inhabitants of two or more townships, the school commissioner may re-sell such real estate for the benefit of said townships, under the provisions of this act regulating the sale of the common school

Commissioner authorized to re-sell real estate.

lands ; and the said commissioner is hereby authorized to execute conveyances to purchasers ; and said commissioner shall be entitled to retain the same per centage on the amount of such sale, out of the assets thereof, as he is entitled to for selling common school lands.

#### TOWNSHIPS—TRUSTEES OF SCHOOLS.

Townships.	§ 25. Each congressional township, as surveyed and laid off by authority of the United States, is hereby established a township for school purposes. The business of
Trustees elected.	the township shall be done by three trustees, to be elected by the legal voters of the township ; and the said township, upon the election of trustees as aforesaid, as hereinafter provided for, shall be a body corporate and politic,
Name, style, &c.	by the name and style of " trustees of schools, of township —, range —," according to the number. The said corporation shall have perpetual existence, and shall
Powers.	have power to sue and be sued, to plead and be impleaded, in all courts and places where judicial proceedings are
Tenure of trustees	had. Said trustees of schools shall continue in office two years, and until others are elected and enter upon the duties of their office.
Qualifications of trustees.	§ 26. No person shall be eligible to the office of trustee of schools, unless he shall be twenty-one years of age, and a resident of the township.
Election of trustees.	§ 27. The election of trustees of schools shall be on the second Monday of January, biennially, but in townships where such election has not been heretofore had, or where there are no trustees of schools, the election of trustees of schools may be holden on any Monday ; notice being given as hereinafter in this section required. The first election shall be ordered, if in townships already incorporated, by the trustees of schools of the township, the township treasurer giving notice of the time and place,
Notice.	by posting up notices of the same at least ten days previous to the day of election, at or in the school house, or in the most public place in every school district in the township. If there are no trustees of schools in a township, the clerk of the county court shall cause the notice to be given as aforesaid. For all subsequent elections, the like notices shall be given by the trustees of schools, through the township treasurer : <i>Provided</i> , that if, upon any day appointed as aforesaid, for election aforesaid, the said trustees of schools, or judges, shall be of opinion, that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them, shall desire it, they shall postpone said election until the next Monday, and at the same place and hour ; at which meeting the voters shall proceed as if
County clerk may give notice.	
Proviso.	

it were not a postponed or adjourned meeting ; *And provided, also*, that if notice shall not have been given as above required, then, and in that case, said election may be ordered as aforesaid, and holden on the first Monday in February, or any other Monday ; notice thereof being given as aforesaid.

§ 28. Two of the trustees of schools of incorporated townships, if present, shall act as judges, and one as clerk of said election. If said trustees shall fail to attend, or refuse to act when present, and in townships unincorporated, the qualified voters present shall choose from amongst themselves three judges and a clerk to open and conduct said election. Officers of election.

§ 29. The time and manner of opening, conducting, and closing said election, and the several liabilities appertaining to the judges and clerks, and to the voters separately and collectively, and the manner of contesting said elections, shall be the same as prescribed by the general election laws of this state, defining the manner of electing magistrates and constables, so far as applicable, subject to the provisions of this act : *Provided*, the judges may close said election at four o'clock, P. M. Mode of election. &c.

§ 30. No person shall vote at said election unless he possesses the qualification of a voter at a general election. In case of a tie at such election, it shall be determined by lot, on the day of election, by the judges thereof. Voters. Tie.

§ 31. When a vacancy or vacancies shall occur in the board of trustees of schools, the remaining trustee or trustees shall order an election to fill such vacancy, upon any Monday ; notice to be given as required in section twenty-seven hereof. Vacancy.

§ 32. Upon the election of trustees of schools, the judges of the election shall cause the poll-book of said election to be delivered to the school commissioner of the county, with a certificate thereon, showing the election of said trustees, and names of the persons elected ; which poll-book, with the certificate, shall be filed by said commissioner, and shall be evidence of such election. Poll-book delivered to commissioner.

§ 33. The said trustees of schools, elected as aforesaid, shall be successors to the trustees of school lands appointed by the county commissioners' court, and of trustees of schools elected in townships under the provisions of "an act making provisions for organizing and maintaining common schools," approved February 26, 1841, and of "an act to establish and maintain common schools," approved March 1, 1847. All rights of property, and rights and causes of action, existing, or vested in the trustees of school lands, or trustees of schools appointed or elected as aforesaid, for the use of the inhabitants of the township, or any part of them, shall vest in the trustees Powers of trustees and successors.

of schools as successors, in as full and complete a manner as was vested in the school commissioner, the trustees of school lands, or the trustees of schools appointed and elected as aforesaid.

Duty of the township board of education.

§ 34. It shall be the duty of the township board of trustees to hold regular semi-annual sessions on the first Mondays of April and October in each year, and may meet at such other times and at such other places as they may think proper; and the president of the board, or any two members thereof, may call a special meeting of the board; and at all meetings of the board, two of its members shall constitute a quorum to transact any business. Said board shall organize by appointing one of their number president, and some person who shall not be a director or member of the board township treasurer, who shall be *ex officio* clerk of the board. The said president and township treasurer shall hold their respective offices during the term for which that board of trustees by which they are appointed shall have been elected, and until their successors are appointed, and until their newly appointed treasurer has given bond as required by this act; either of said officers, however, for good cause, may be removed by the board. It shall be the duty of the president, when present, to preside at the meetings of the board; and it shall be the duty of the clerk to be present at all meetings of the board, and to record in a book to be provided for the purpose all their official proceedings, which shall be a public record, open to the inspection of any person interested therein; and all said proceedings, when recorded, shall be signed by the president and clerk. If the president or clerk shall be absent, or refuse to perform any of the duties of his office at any meeting of the board, a president or clerk *pro tempore* may be appointed.

Trustees to prepare a map of their township.

§ 35. Trustees of schools shall prepare or cause to be prepared a map of their township as often as may be necessary, on which shall be designated districts to be styled district No. — in township No. —, which they may alter or change at any regular session; which map shall be certified by the president and clerk of the board, and filed with and recorded by the county clerk, in a book to be kept for that purpose, to be paid for out of the county treasury.

Trustees' duty.

§ 36. At each of their half yearly meetings, on the first Monday of April and October, the trustees of schools shall proceed to ascertain the amount of state, county and township funds liable to distribution, to wit: the interest actually on hand from the state and county school fund, and such of the interest, rents, issues and profits arising from the township lands and funds as have accrued and become due since their last regular half yearly meeting, except the

Funds.

two per cent. and the three per cent., which the school commissioner is allowed to retain. The said trustees shall immediately thereupon proceed to distribute the aggregate amount of state, county and township funds thus ascertained to be liable to distribution, as follows : First, to the township treasurer, the two per cent. allowed him ; second, for the payment of the books of the township treasurer, if anything be due for that purpose ; third, for the payment of any reasonable charges for dividing common school lands, and making plats, &c., as provided for in this act ; fourth, the balance they shall apportion on the several schedules certified and returned from each school in the township according to law, in proportion to the number of days certified on such schedules respectively to have been taught since the last regular return day fixed by the act or trustees for the return of schedules ; and the township treasurer shall, as soon as practicable, pay out the money so apportioned to the several persons to whom it shall be distributed. The said trustees of schools shall also make such orders, not contrary to law, for the collection of the funds due as in their discretion shall be most for the interest of the funds. They shall also, at their said half yearly meetings, ascertain the amount of tax money, if any, the treasurer has in hands belonging to any school district being wholly or partly in his township ; and they shall see that the treasurer charges himself in his cash book, in a separate column, in favor of the proper district, with the amount they shall find to be in his hands belonging to such district ; and the amount so ascertained to be in the hands of the treasurer shall be paid out as in this section directed. The trustees of schools shall also examine the certificate of the district directors to which such tax fund belongs, and they shall thereupon direct the treasurer, by orders upon him, to pay the tax money aforesaid to the several persons who may appear to be entitled to it according to said certificate.

To distribute.

Manner of distribution.

Collection of funds.

Examine certificate.

§ 37. Whenever it may be desirable to establish a school composed of pupils, residents of two or more districts or two or more townships, it shall be the duty of the respective boards of education of each of such townships to transfer such number of the pupils residing in such townships as the boards may deem proper to the school so established in the township in which the school house is or may be located ; but the enumeration of scholars shall be taken in each of such townships as if no such transfer had been made ; and such school, when so composed, shall be supported from the school funds of the respective townships in which the pupils composing such school shall reside, and from which they shall have been transferred ; and the board of that township in which the school house where such

Duty of boards of education.

school is kept is located, shall have the control and management of such school; and the boards of each of such townships so connected for school purposes shall each pay its respective share of the entire expenses of every kind incurred in the establishment and support of such school, to be computed in proportion to the number of pupils residing in each of such townships composing such school; and each board of the townships from which pupils are transferred shall draw an order on its township treasurer, signed by its president, in favor of the township treasurer whose board shall have the control and management of such school, as the case may be, for the amount of its share of the entire expenses aforesaid of such school; and the board of the township having the control and management as aforesaid of such school shall pay out of its treasury the whole amount required for the establishment and maintenance of such schools, in the same manner as provided in this act for the establishment and maintenance of other schools: *Provided, however*, by agreement of the several boards interested therein, said school may be placed under the control and management of such persons as may be determined by a majority of said boards.

Proviso.

Statement to be made of the condition of schools

Number of schools.

Number of scholars.

§ 38. The board of trustees of each township in this state shall prepare or cause to be prepared by the township treasurer, the clerk of the board, or other person, and forwarded to the school commissioners of the county in which the township lies, on or before the second Monday of October, preceding each regular session of the general assembly of this state, and at such other times as may be required by the school commissioner, or by the state superintendent of public instruction, a statement, exhibiting the condition of schools in their respective townships for the preceding biennial period, giving separately each year, commencing on the first Mondays of October, and ending on the last of September; which statement shall be as follows:—1st. The whole number of schools which have been taught in each year; what part of said number have been taught by males exclusively, what part have been taught by females exclusively; what part of said whole number have been taught by males and females at the same time; and what part by males and females at different periods. 2d. The whole number of scholars in attendance at all the schools, giving the number of males and females separately. 3d. The number of male and female teachers, giving each separately; the highest, lowest, and average monthly compensation paid to male and female teachers, giving each item separately. 4th. The number of persons under twenty-one years of age. 5th. The amount of the principal of the

township fund; the amount of the interest on the township fund paid into the township treasury; the amount of state or common school fund received by the township treasurer; the amount raised by *ad valorem* tax, and the amount of such tax received into the township treasury; and the amount of all other funds received into the township treasury. 6th. The amount paid for teachers' wages; the amount paid for school house lots; the amount paid for building, repairing, purchasing, renting and furnishing school houses; the amount paid for school apparatus, for books and other incidental expenses for the use of school libraries; the amount paid as compensation to township officers and others. 7th. The whole amount and a full account of the receipts and expenditures for school purposes. 8th. The number of books of each kind used in the schools, and the years in which each book was purchased, together with such other statistics and information in regard to schools as the state superintendent or school commissioner may require.

§ 39. In all cases where a township is, or shall be divided by a county line, or lines, the board of trustees of such township shall make, or cause to be made, separate enumerations of male and female white persons of the ages as directed in the fifth specification of the foregoing section thirty-eight (38) of this act, designating separately the number residing in each of the counties in which such township may lie, and forward each respective number to the proper school commissioner of each of said counties; and in like manner, as far as practicable, all other statistics and information enumerated and required to be reported in the aforesaid section thirty-eight, shall be separately reported to the several school commissioners; and all such parts of said statistical information as are not susceptible of division, and are impracticable to be reported separately, shall be reported to the school commissioner of the county in which the sixteenth section of such township is situated.

Separate enumeration to be made

§ 40. At each semi-annual meeting, and at such other meetings as they may think proper, the said township board shall examine all books, notes, mortgages, securities, papers, moneys and effects of the corporation, and the accounts and vouchers of the township treasurer, or other township school officer, and shall make such order thereon for their security, preservation, collection, correction of errors, if any, and for their proper management, as may seem to said board necessary.

Books and vouchers to be examined.

§ 41. The board of trustees of each township in the state may receive any gift, grant, donation or demise, made for the use of any school or schools, or library, or other school purposes within their jurisdiction; and they

Donations.

shall be and are hereby invested, in their corporate capacity, with the title, care and custody of all school houses, school house sites, school libraries, apparatus or other property belonging to any school district as now organized, or which may be within the limits of their jurisdiction, with full power to control the same in such manner as they may think will promote the interest of schools and the cause of education; and when, in the opinion of the school directors, the school house site has become unnecessary, or unsuitable or inconvenient for a school, said board may sell and convey the same in the name of said board; and such conveyance shall be executed by the president and clerk of said board, and the avails shall be paid over to the township treasurer for the benefit of schools; and all conveyances of real estate which may be made to said board shall be made to said board in their corporate name, and to their successors in office; and said board may purchase and hold such real estate and personal property as may be necessary for the establishment and support of schools.

Money to be paid  
to township treasurer.

§ 42. The township board shall cause all moneys for the use of the township to be paid over to the township treasurer. They shall have power, also, to remove the township treasurer at any time, for any failure or refusal to execute or comply with any order or requisitions of said board, legally made, or any other improper conduct in the discharge of his duty as treasurer, or at any time they may deem such removal expedient. They shall also have power, for any failure or refusal as aforesaid, to sue him upon his bond, as provided in section fifty-nine hereof.

Trustees to purchase real estate.

§ 43. The township trustees are hereby vested with general power and authority to purchase real estate, if in their opinion the interests of the township fund will be promoted thereby, in satisfaction of any judgment or decree wherein the said board or school commissioner are plaintiffs, or complainants; and the title of such real estate so purchased shall vest in said board, for the use of the inhabitants of said township, for school purposes; and all purchases of land heretofore made by school commissioners, or trustees of school lands, or trustees of schools, for the use of any fund or township for the use of schools, are hereby declared valid. The said board are hereby vested with general power and authority to make all settlements with persons indebted to them in their official capacity; or receive deeds of real estate in compromise; and to cancel, in such manner as they may think proper, notes, bonds, mortgages, judgments and decrees, existing, or that may hereafter exist, for the benefit of the township, when the interest of said township, or the fund concerned, shall, in their opinion, require it,



it, and their action shall be valid. Said board of education are hereby authorized to lease or sell, at public auction, any land that may come into their possession, in such manner and on such terms as they shall deem for the interest of the township: *Provided*, that in all cases of sale of land, as provided in this section, the sale shall be made at the same place, and notice given of it in the same manner, as is provided in this act for the sale of the sixteenth section. Provided.

#### SCHOOL DIRECTORS—THEIR ELECTION AND DUTIES.

§ 44. It shall be the duty of the legal voters within each school district to meet at the school house, or other convenient place in the district, on the first Monday of October next, or as soon thereafter as the township may be laid off into districts, and on the first Monday of October biennially thereafter, and elect three persons within the district, to be styled school directors, who shall continue in office for the term of two years, and until their successors are elected. But the first election may be held on any Monday, notice being given by the township treasurer, according to the provisions of this act. The legal voters, when assembled, shall choose three of their number to act as judges, and one as clerk, at such election. In case of a tie of said election for school directors, it shall be determined by lot on the day of the election, by the judges thereof. Election of school directors.

§ 45. A majority of said directors shall constitute a quorum to do business; and the board, when convened, shall have power to purchase libraries for the district, to be paid for out of the tax funds of the district: They shall establish a sufficient number of common schools for the education of every individual person over the age of five and under twenty-one years, in their respective districts; and shall make the necessary provision for continuing such schools in operation for at least six months in each year, and longer if practicable. They shall cause suitable lots of ground to be procured and suitable buildings to be erected, purchased or rented for school houses, shall supply the same with furniture and fuel, and make all other provisions relative to schools which they may deem proper. They shall exercise a general supervision over the schools of their respective districts, and shall, by one or more of their number, visit every school in the district at least once a month, and shall cause the result of such visit to be entered on the records of the board. They shall have the appointment of all the teachers of the schools in the district, shall fix the amount of Powers of directors.

teachers' salaries or compensation, and may dismiss them at any time for incompetency, cruelty, negligence or immorality; shall direct what branches of learning shall be taught in each school, and may suspend or expel from the school all pupils found guilty, on full examination and hearing, of refractory or incorrigibly bad conduct. Said school directors are hereby authorised to receive and hold, by their name of school directors, for the use of schools in the district, any book purchased for or donated to the district library; and the same shall be kept and controlled and loaned to the inhabitants of the district, under twenty-one years of age, according to rules prescribed by said directors. But the librarian shall in no case receive any compensation out of the common school or township fund for his services as librarian.

#### OF JUDGMENTS AND EXECUTIONS AGAINST BOARDS OF TRUSTEES OR SCHOOL DIRECTORS.

Judgment and  
execution against  
trustees.

§ 46. If judgment shall be obtained against any township board of trustees or school directors, the party entitled to the benefit of such judgment may have execution therefor, as follows, to wit: it shall be lawful for the court in which such judgment shall be obtained, or to which such judgment shall be removed, by transcript or appeal from a justice of the peace, or other court, to issue thence a writ, commanding the directors, trustees and treasurer of such township to cause the amount thereof, with interest and costs, to be paid to the party entitled to the benefit of said judgment, out of any moneys, unappropriated, of said township; or if there be no such moneys, out of the first moneys applicable to the payment of the kind of services or indebtedness for which such judgment shall be obtained, as provided in section sixty-five of this act, which shall be received for the use of such township; and to enforce obedience to such writ by attachment, or by mandamus, requiring such board to levy a tax for the payment of said judgment; and all legal process, as well as writs to enforce payments of a judgment, shall be served either on the president or clerk of the board.

#### EXAMINATION AND QUALIFICATION OF TEACHERS.

Examination and  
qualification of  
teachers.

§ 47. The school commissioner shall, either by himself, or any person or persons, whom he shall appoint, examine such person or persons proposing to teach a common school

in the county, in relation to his or her qualification to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and the history of the United States; and if he or they shall be satisfied that such person sustains a good moral character, and is qualified properly to teach all the aforesaid branches, he or they shall give such person a certificate of qualification; which certificate shall be good and valid in said county for two years from the date thereof, and said certificate may be renewed, at its expiration, by indorsement thereon by the said commissioner, or examiners. The said certificate to the teacher may be in the following form, viz:

— Illinois, — 18—

The undersigned having examined — —, and being satisfied that — — sustains a good moral character, hereby certify that — — is qualified properly to teach the following branches, viz: orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, and the history of the United States; which certificate is good and valid in said county for two years from the date hereof, renewable at the option of the school commissioner or of any two members of the board of examiners, by his or their indorsement thereon.

Form of certificate.

Given under — hand, at the date aforesaid.

A — B —, *School Commissioner.*

C — D —, }  
E — F —, } *Examiners.*

*Provided*, that each and every school, or schools, of whatever grade, established or authorized to be established under the provisions of this act, shall be a school or schools for the purpose of teaching various branches of an English education; and no part of the common school fund, township fund, or of any other school fund, shall be paid out or appropriated for the establishing, conducting, or the supporting in any manner of any other character or class of school, or schools, as aforesaid designated: *Provided*, that nothing herein contained shall prevent the teaching a foreign language in a common school as aforesaid.

Provided.

§ 43. It shall be the duty of the school commissioner to fix upon the time of holding meetings for the examination of teachers, in such places in their respective counties, as will in their opinion best accommodate the greatest number of candidates for examination; notice of all such meetings having been published in some newspaper of general circulation; and all teachers who do not attend at the appointed time for said examination, shall pay to the school commissioner, one dollar for their certificate.

Meetings for examination of teachers.

Publication of notice.

## TEACHERS—THEIR DUTIES.

Exhibit certificate.

§ 49. No teacher shall be entitled to any portion of the common school or township fund, or other public fund, or be employed to teach any school under the control of any board of education of any township in this state, who shall not, before his employment, exhibit to said board, or to a committee of said board, a certificate of qualification obtained under the provisions of this act; nor shall any teacher be paid any portion of the school or public fund aforesaid, unless he shall have kept and furnished schedules as herein directed.

Schedules.

§ 50. Teachers shall make schedules of the names of all scholars under twenty-one years of age, attending their schools, in the form prescribed by this act; and when scholars reside in two or more districts, townships, or counties, separate schedules shall be kept for each district, township, or county; and the absence or presence of every scholar shall be set down under the proper date, and opposite the name, on every day that the school is open; and the absence of a scholar shall be signified by a blank—the presence by a mark. The schedule to be made and returned by the teacher shall be, as near as circumstances will permit, in the following form, viz:

Form of schedule.

*SCHEDULE of a Common School, kept by A B, at ———, in district number ———, in township sixteen north, range five, east of the third principal meridian, in the county of ———, in the state of Illinois.*

Names of scholars attending my school, and residing in district number ———, in township ——— north, range ——— west, in ——— county.	1855.																												Total number of days of each scholar.
	Monday,	Tuesday,	Wednesday,	Thursday,	Friday,	Saturday,	Sunday,	Monday,	Tuesday,	Wednesday,	Thursday,	Friday,	Saturday,	Sunday,	Monday,	Tuesday,	Wednesday,	Thursday,	Friday,	Saturday,	Sunday,	Monday,	Tuesday,	Wednesday,	Thursday,	Friday,	Saturday,	Sunday,	
John Smith,.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	16
Isaac Meslier,.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	14
Sarah Danforth,.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	17
Mary Newman,.....	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	12
Grand total number of days,.....	59																												59

And said teacher shall add up and set down the whole number of days' attendance of each scholar, and add up said whole numbers, and make out the grand total number of days' attendance, as in the form above prescribed, and

shall attach thereto his certificate, which shall be in the following form, viz :

I certify that the foregoing schedule of scholars attending my school, as therein named, and residing as specified in said schedule, to the best of my knowledge and belief, is correct; and that it was a school for the purpose of teaching various branches of an English education.

A B, *Teacher.*

Teachers shall also include in said schedule, or furnish a separate report, containing the name of each scholar, and the name of each book used by each scholar, and the year in which each book was purchased : *Provided*, said schedule shall not include any book reported in a former schedule. When the teacher shall have completed his or her schedule or schedules, as above required, he or she shall deliver it to some one of the directors or to a committee of at least two members of said board appointed for the purpose ; and it shall be the duty of said director, in connection with some other director of the board, or of said committee, to carefully examine such schedule or schedules, and after correcting all errors, and if they shall find such schedule to have been kept according to law, they shall certify to the same, as near as practicable, in the following form, viz :

*State of Illinois,* }  
                   *— county.* } ss.

Form of certificate.

We, the undersigned, directors of the board of education in township number —, range number —, in the county aforesaid, certify that we have examined the foregoing schedule, and find the same to be correct, and that the school was conducted according to law. That there is now due said C D, teacher, as per contract, the sum of — dollars and — cents, and that the said teacher has a legal certificate of good moral character and of qualification to teach a common school, (or of such a grade as the case may be.)

Witness our hands, this — day of —, A. D. 185—.

A B, }  
 C D, } *Directors of the Board of Education.*

Which schedule or schedules, certified as aforesaid, by at least two directors of the board of education, shall be filed by said directors with the township treasurer; and until such schedule and report, as aforesaid, shall have been filed as aforesaid, it shall not be lawful for said treasurer to pay said teacher, or for the board of education, or any

Schedule to be filed.

two members thereof, to draw an order in favor of said teacher, as provided in section seventy hereof.

Directors limited  
as to date of  
schedule.

§ 51. School directors shall certify no schedule that reaches back to a time more than six months from the time fixed by law for the regular return and presentation of schedules to the school directors. Schedules made and certified as aforesaid shall, at least two days before the first Saturday of April and October, be delivered by the directors to the township treasurer.

#### TOWNSHIP TREASURER—HIS DUTIES.

Treasurer to give  
bond.

§ 52. The township treasurer appointed by the board of trustees, as provided in section thirty-four of this act, shall, before entering upon his duties, execute a bond, with two or more freeholders, who shall not be members of the board of education, as securities, payable to the board of the township for which he is appointed treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of township treasurer, in township —, range —, in — county, according to law. The security shall be approved by at least a majority of the board of education, and shall be delivered by one of the directors to the school commissioner of the proper county. And in all cases where such treasurer aforesaid is to have the custody of all bonds, notes, mortgages, moneys and effects denominated principal, and belonging to the township for which he is appointed treasurer, the penalty of said treasurer's bond shall be twice the amount of said bonds, notes, mortgages, moneys and effects. And every township treasurer appointed subsequent to the first, as herein provided, shall execute bond, with security, as is required of the first treasurer.

§ 53. The bond required in the foregoing section shall be in the following form, viz :

Term of bond.

*State of Illinois,* }  
— county, } ss.

Know all men by these presents, that we, A B, C D and E F, are held and firmly bound, jointly and severally, unto the board of —, in said county, in the penal sum of — dollars, for the payment of which we bind ourselves, our heirs, executors and administrators firmly by these presents. In witness whereof, we have hereunto set our hands and seals this — day of —, A. D. 18—.

The condition of the above obligation is such, that if the above bounden A B, township treasurer of township —, range —, in the county aforesaid, shall faithfully dis-

charge all the duties of said office according to the laws which now are or may hereafter be in force, and shall deliver to his successor in office all moneys, books, papers, securities and property in his hands as such township treasurer, then this obligation to be void, otherwise to remain in full force and virtue.

A — B —, [SEAL.]  
C — D —, [SEAL.]  
E — F —, [SEAL.]

Approved and accepted by G H, }  
I J, } *Directors of the Board*  
K L, } *of Education.*

§ 54. Every township treasurer shall provide himself with two well bound books, the one to be called a cash book, the other a loan book. He shall charge himself in the cash book with all moneys received, stating the charge, when, from whom and on what account received; and credit himself with all moneys paid or loaned, the amount loaned, the date of the loan, the rate of interest, the time when payable, the name of the securities, or if real estate be taken, a description of the same. He shall also enter in separate accounts moneys received and moneys paid out, charging the first to debit account, and crediting the latter as follows, to wit: 1st. The principal of the township fund, when paid in, and when paid out. 2d. The interest of the township fund, when received; and when paid out. 3d. The common school fund and other funds, when received from the school commissioner, and when paid out. 4th. The taxes received from the county collector, distinguishing between that for general school purposes and that levied for the purpose of prolonging schools, as provided in section seventy-five of this act. 5th. Donations received. 6th. Moneys coming from all other sources; and in all cases entering the date when received and when paid out; and he shall also arrange and keep his books and accounts in such other manner as may be directed by the state or county superintendent, or the board of trustees. He shall also provide a book, to be called a journal, in which he shall record fully and at length the acts and proceedings of the board, their orders, by-laws and resolutions; which book shall be at all times subject to the inspection of said board, or other persons authorized by this act, or of any committee appointed by the inhabitants of the township to examine the same. And he shall also provide a book to be called a record, in which he shall enter a brief description of all notes or bonds belonging to the township, and upon the opposite page he shall note down when paid, or any re-

Township treasurer to provide books and keep account of money received.

marks to show where or in what condition it is, as in the following form, viz :

Form.

Makers' names.	Date of note.	When due.	Amount.	Remarks.
A B, C D, E F.	January 1, 1859.	January 1, 1845.	\$ 90 00	January 6, '48, handed to I J, esq., for collection (or January 6, '47, paid.)

Township to loan  
funds.

§ 55. The township treasurer shall loan, upon the following conditions, all moneys which shall come to their hands by virtue of their office, except such as may be subject to distribution according to section — hereof. The rate of interest shall be ten per centum per annum, payable half yearly in advance. The time for which loans shall be made shall not be less than six months, nor more than five years. For all sums not exceeding one hundred dollars, loaned for not more than one year, two responsible securities shall be given; for all sums over one hundred dollars, and for all loans for more than one year, security shall be given by mortgage on real estate, unencumbered, in value double the amount loaned, with a condition that in case additional security shall at any time be required, the same shall be given to the satisfaction of the board of trustees for the time being. Notes, bonds, mortgages and other securities taken for money or other property, due or to become due to the board of trustees for the township, shall be payable to the said board by their corporate name; and in such name suits, actions and complaints, and every description of legal proceedings, may be had for the recovery of money, the breach of contracts, and for every legal liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of this corporation: *Provided, however,* that notes bonds, mortgages and other securities in which the name of the school commissioner, or of the trustees of schools, are inserted, shall be valid to all intents and purposes; and suit shall be brought in the name of the board of trustees as aforesaid. The wife of the mortgagor (if he has one) shall join in the mortgage given to secure the payment of money loaned by virtue of the provisions of this act.

Proviso.

§ 56. Mortgages to secure the payment of money loaned under the provisions of this act, may be in the following form, viz :

Total of mort-  
gages.

I, A B, of the county of —, and state of —, do hereby grant, convey and transfer to the board of trustees of township —, range —, in the county of —, and state of Illinois, for the use of the inhabitants of said



township, the following described real estate, to wit: (Here insert the premises.) Which real estate I declare to be in mortgage for the payment of \$—— loaned to me, and for the payment of all interest that may accrue thereon, to be computed at the rate of —— per cent. per annum until paid. And I hereby covenant to pay the said sum of money in —— years from the date hereof, and to pay interest on the same at the rate aforesaid, half yearly in advance. I further covenant that I have a good and valid title to said estate, and that the same is free from all incumbrance; and that I will pay all taxes and assessments which may be levied on said estate; and that I will give any additional security that may at any time be required by said board of education; and if said estate be sold to pay said debt, or any part thereof, or for any failure or refusal to comply with or perform the conditions or covenants herein contained, I will deliver immediate possession of the premises. And in consideration of the premises, C, wife of said A B, doth hereby release to the said board all her right and title of dower in the aforegranted premises, for the purposes aforesaid.

In testimony whereof we have hereunto set our hands and seals, this —— day of ——, 18—.

A—— B——. [SEAL.]  
C—— D——. [SEAL.]

Which mortgage shall be acknowledged and recorded Mortgage to be recorded. as is required by law for other conveyances of real estate, the mortgagor paying the expenses of acknowledgment and recording, and fifty cents as a fee to the township treasurer.

§ 7. Upon the breach of any condition or stipulation contained in said mortgage, an action may be maintained and damages recovered as upon other covenants; but mortgage made in any other form to secure payment as aforesaid shall be valid as if no form had been prescribed. In estimating the value of real estate mortgaged to secure the payment of money loaned under the provisions of this law, the value of improvements liable to be destroyed shall not be included.

§ 58. In all cases where the board of trustees shall require additional security for the payment of money loaned, and such security shall not be given, the township treasurer shall cause suit to be instituted for the recovery of the same, and all interest thereon, to the date of judgment: *Provided*, that proof be made of the said requisition. Additional security. Provide. In the payment of debts by executors and administrators, those due the common school or township fund shall have a preference over all other debts, except funeral and other expenses attending the last sickness, not in-

cluding the physician's bill. And it shall be the duty of the township treasurer to attend at the office of the probate justice upon the proper day, as other creditors, and have any debts due as aforesaid probated and classed, to be paid as aforesaid.

Default in payment of interest

§ 59. If default be made in the payment of interest due upon money loaned [by] any school commissioner or township treasurer, or in the payment of the principal, interest at the rate of twelve per cent. per annum shall be charged upon the principal and interest from the day of default, which shall be included in the assessment of damages, or in the judgment in suit or action brought upon the obligation to enforce payment thereof; and interest as aforesaid may be recovered in action brought to recover interest only. And the said township treasurers are hereby empowered to bring appropriate actions, in the name of the board of trustees, for the recovery of the half yearly interest, when due and unpaid, without suing for the principal, in whatever form secured, and justices of the peace shall have jurisdiction in such cases of all sums under one hundred dollars.

Bring suits.

All suits and actions to be brought in the name of the board.

§ 60. All suits brought, or actions instituted under the provisions of this act, may be brought in the name of the "board trustees, of township —, range —," except as is provided for action *qui tam* in this act, or in favor of school commissioners. The township treasurer shall demand, receive and safely keep, according to law, all moneys, books and papers of every description belonging to his township. He shall keep the township fund loaned at interest; and if on the first Monday of April in any year there shall be any interest or other funds on hand which shall not be required for distribution, such amount not required as aforesaid shall forever be considered as principal in the funds to which it belongs, and loaned as such.

Statement to be made in April and October.

§ 61. On the first Mondays of April and October, of every year, the township treasurer shall lay before the board of trustees a statement, showing the amount of interests, rents, issues and profits that have accrued or become due since their last regular half yearly meeting, on the township lands and township funds, and also the amount of state and county fund interest on hand. He shall also lay before the said trustees all books, notes, bonds, mortgages, and all other evidence of indebtedness belonging to the township, for the examination of the trustees, and shall make such other statement as the board may require touching the duties of his office.

Penalty.

§ 62. For any failure or refusal to perform all the duties required of township treasurer by law, he shall be liable to the board of trustees upon his bond to

ed by action of debt by said board, in their corporate name, for the use of the proper township, before any court having jurisdiction of the amount of damages claimed; but if said treasurer, in any such failure or refusal, acted under and in conformity to a requisition or order of said board, or a majority of them, entered upon their journal and subscribed by their president and clerk, then and in that case the members of said board aforesaid, or those of them voting for said requisition or order as aforesaid, and not the treasurer, shall be liable, jointly and severally, to the inhabitants of the township, to be recovered by action of assumpsit, in the official name of the school commissioner, for the use of the proper township.

§ 63. When a township treasurer shall resign, or be removed, and at the expiration of his term of office, he shall pay over to his successor in office all money on hand, and deliver over all books, notes, bonds, mortgages, and all other securities for money, and all papers and documents of every description, in which the corporation may have any interest whatever, and in case of the death of the township treasurer, his securities and legal representatives shall be bound to comply with the requisitions of this section. And for any failure to comply with the requisitions of this section, he shall be liable to a penalty of not less than ten, nor more than one hundred dollars, at the discretion of the court before which judgment may be obtained; and the obtaining or payment of said judgment shall in nowise discharge or diminish the obligation of his official bond.

Bonds, mortgages  
&c., to be delivered to successor.

#### TOWNSHIP AND COUNTY SCHOOL FUNDS.

§ 64. All bonds, notes, mortgages, and other evidence of indebtedness, moneys and effects, in the hands of any school commissioner, trustee of schools, township treasurer, or other officer, or person, and belonging to any county or township, and which have heretofore accrued, or may hereafter accrue from the sale of the sixteenth [section,] or of the common school lands of any township or county, or for the sale of any real estate or other property taken for any debt, or on any judgment, due to the principal of any county or township fund, and all surplus interest and other funds which have been, or shall hereafter be, carried to and made part of the principal of any township or county funds, by any law which has heretofore been, or may hereafter be enacted, in the hand of any county, township, or other officer, or person, and belonging to any county or township, and all sums arising from the loaning or re-loaning of the principal of any

School fund to be added to principal in certain cases.

township or county fund, are hereby declared to be, and shall forever hereafter constitute the principal of the township or county fund, to whichever it may respectively belong, and no part thereof shall ever be distributed or expended for any purpose whatever, except the interest, rents and profits thereof, but shall be loaned out, and held to use, rent or profit, as herein, heretofore, or may hereafter be, provided by law.

Fund to be applied to the payment of teachers

§ 65. So much of the school moneys coming into the hands of the township treasurer, which has been, or may be derived from the state tax, state fund, or common school fund of the state, or from any township tax funds levied for the purpose of continuing the terms of schools, after the state funds have been exhausted, as provided in section seventy (70) hereof, shall be applied only to the payment of teachers, in the respective townships to which such fund belongs, and shall be drawn from the treasury for no other purpose whatever; and all other school funds, paid into the township treasury, arising from taxation, or from other sources, and the interest of the township fund, not otherwise specifically directed to be applied by this act, shall be applied and expended, under the direction and at the discretion of the board of directors of the district to which such funds belong, in procuring school house sites, and improving the same, in building, repairing, and furnishing school houses, in the payment of compensation to township treasurers, and other school purposes, as such board are authorised to make under the provisions of this act: *Provided, however,* that nothing herein shall be so construed as to prevent the application of said school funds to the payment of teachers, when necessary, in the opinion of said board, so to apply them, or any part thereof.

Money how paid out.

§ 66. All moneys and school funds, liable to distribution, not being principal, paid into the township treasury, or coming into the hands of the township treasurer, shall be paid out only on the order of the proper board, signed by their president and clerk; and for all payments made, receipts shall be taken and filed; and in all such orders shall be stated the purpose for which or on what account drawn; and all such orders may be in the following form, to wit:

Form of order.

The treasurer of township number ———, range number ———, in ——— county, will pay to ——— or bearer, ——— dollars and ——— cents, (on his contract for repairing Sulphur Spring school house, or otherwise, as the the case may be.) By order of the board of ——— said township.

A B, *President.*

C D, *Clerk.*

Which, together with the receipt of the person to whom paid, shall be filed in the office of the township treasurer: *Provided, however,* the township treasurer may pay to any teacher his wages, on such teacher presenting a certificate of the amount due him, and an order for the same, by any two members of the board of directors, and on said teacher filing with said treasurer a true copy of his certificate of qualification, certified by the said two members to be such as is required by law; which certificate and order as aforesaid shall be appended to the aforesaid true copy of said teacher's qualification; which certificate and order may be in the following form, viz:

We the undersigned directors, of — in township — range number —, in the county of —, hereby certify the foregoing to be a true copy of A B, teacher's certificate of qualification, and is such as is required by law, to qualify (him or her) to teach in the school which (he or she) has taught, and we further certify that the amount due said A B is — dollars and — cents; which amount the treasurer of said township is hereby required to pay.

Given under our hands — this — day of —, 18—.

A B, {  
C D, { *Directors.*

To E. D, *Township Treasurer*, T.— R.—.

Which, on payment being made, the treasurer shall file in his office, together with said teachers's receipt for the amount paid. But no order shall be drawn, or paid, in favor of any teacher, until his or her schedule shall have been completed and filed, as provided in section fifty of this act, nor until he or she shall have complied with all his or her duties as prescribed by law.

#### COMMON SCHOOL FUNDS.

§ 67. The common school fund of this state shall consist of such sum as will be produced by the annual levy and assessment of two mills upon each dollar's valuation of all the taxable property in the state, and there is hereby levied and assessed annually, in addition to the revenue for state purposes, the said two mills upon each dollar's valuation of all the taxable property in the state, to be collected and paid into the state treasury as other revenue is collected and paid; and the amount due from the state, according to a statement and settlement of the account between the state and that fund, under the provisions of an act entitled an "An act to provide for the distribution and application of the interest on the school, college and seminary fund," approved on the seventh of

February, one thousand eight hundred and thirty-five, and of all funds which have been or may be received by the state from the United States, for the use and support of common schools, and also of the money added to the common school fund which was received from the United States under an act of congress providing for a distribution of the surplus revenue of the United States, and which was invested in bank stock, by authority of the state, and of the amount added to the school fund under an act requiring the three per cent. fund to be invested in state bonds: *Provided*, that in cases where, heretofore, the state taxes have not been collected in any county, such county shall not be entitled to a distribution of the college, seminary and school fund, for the period of time that no such taxes have been collected, and that the portion of the fund aforesaid shall in such cases be distributed without regard to such county.

Previous.

State to pay interest.

§ 68. The state shall pay an interest of six per cent. per annum upon the amount of the aforesaid common school funds, except on so much thereof as may be realised from the levy of the tax directed to be levied under the provisions of this act, which shall be paid annually, and applied to the support of common schools, as herein provided. The state shall also pay, as aforesaid, and at the same time, an interest of six per centum per annum upon the amount due the college and seminary fund; which interest shall be loaned to the common school fund, and known in this law and applied in all cases as interest on the common school fund as aforesaid.

Duty of auditor.

§ 69. On the first Monday in January, in each and every year, next after taking the census of the state, the auditor of public accounts shall, under the supervision of the commissioners of the school fund of the state, ascertain the number of white children in each county in the state, under twenty-one years of age, and shall thereupon make a dividend to each county of two thirds the sum from the tax levied and collected under the provisions of the sixty-seventh section of this act; and the interest due on the school, college and seminary fund, in proportion to the number of white children in each county under the age aforesaid, and of the remaining one-third, in proportion to the number of townships and parts of townships in each county, and issue his warrant to the school commissioner of each county upon the collector thereof. And upon presentation of said warrant by the school commissioner to the collector of his county, said collector shall pay over to the school commissioner the amount of said warrant out of the first specie funds which may be collected by him, and not otherwise appropriated by law, taking said commissioner's receipt therefor; and on settlement with the auditor, said

collector shall be credited with the amount specified in said receipt, in the same manner as if it had been paid into the treasury. Dividends shall be made as aforesaid, according to the proportions ascertained to be due to each county annually thereafter, until another census shall have been taken, and then dividends shall be made and continued as aforesaid, according to the last census: *Provided*, that if any collector shall fail or refuse to pay, in gold or silver, the amount of the aforesaid warrant, or any part thereof, by the first day of March, annually, or so soon thereafter as it may be presented, it shall be competent for the school commissioner to proceed against said collector and his securities, in an action of debt, in the county court; which court is hereby vested with full power and authority to hear and determine all such suits, render judgment and issue execution, or said suit may be brought in any court having jurisdiction; and the said collector shall pay twelve per centum, to be assessed as damages upon the amount due, and which shall be included in the judgment obtained against him.

#### ADDITIONAL TAXES IN TOWNSHIPS FOR SCHOOLS.

§ 70. At each meeting in October, or at any subsequent meeting thereafter, before the first day of May, annually, each township board of trustees in this state shall determine, by estimate, as nearly as practicable, the entire amount of money necessary to be expended in the township to keep in good condition and operation a sufficient number of free schools for the accommodation of all the children in said township during the ensuing year, over and above the available means arising from the township fund, or from other sources, and applicable to general school purposes, and also such additional amount as the board may think necessary for the exclusive purpose of supplying any deficiency in the fund for the payment of teachers, and for the purpose of extending the terms of schools after the state or common school fund shall have been exhausted; and shall determine, as nearly as practicable, what rate per cent. on the one hundred dollars' valuation of all the taxable property in the township, each of said amounts separately, will require to be levied; each of which rates so estimated and required to be levied, together with a list of the names of all the resident tax payers of the township, the said board shall make known by certificate in writing, signed by the president and clerk of the board, to the clerk of the county court of the county, on or before the first Monday of July next thereafter in each year; which certificate may be in the following form, viz :

Additional taxes  
may be levied.

Form of certificate.

We, the undersigned, president and clerk of the board of trustees of township No. —, range No. —, in the county of —, and state of Illinois, do hereby certify that said board have estimated and required to be levied for the year 18—, the rate of —, for general school purposes, and the rate of —, for paying teachers and extending terms of schools, on each one hundred dollars' valuation of taxable property in said township. Given under our hands, this — day of —, 18—.

A— B—, *President.*

C— D—, *Clerk.*

Authorized to levy tax for building and furnishing school houses.

§ 71. For the purpose of erecting school houses, or purchasing school house sites, or for the repairing and improving the same, for procuring furniture, fuel and district libraries, the board of directors of any district shall be authorized to have levied and collected a tax annually on all the property in their district, by furnishing a certificate similar to the one required by the provisions of this section, from trustees of schools.

Duty of county clerk.

§ 72. According to the rate or rates certified as aforesaid, the said county clerk, when making out the tax books for the collector, shall compute each taxable person's tax in said township, or that part of the township in the county, or in any district, taking as a basis the total amount of taxable property returned by the county assessor for that year, lying and being in said township, part of township or district, whether belonging to residents or non-residents, and also each and every tract of land assessed by the assessor, which lies, or the largest part of which lies, in said township or part of township or district. The said county clerk shall cause each person's tax so computed to be set upon the tax book, to be delivered to the county collector for that year, in a separate column, against each tax payer's name, or parcel of taxable property, as it appears in said collector's books, to be collected in the same manner, and at the same time, as state and county taxes are collected. The computation of each person's tax, and the levy made by the clerk, as aforesaid, shall be final and conclusive: *Provided*, the rate shall be uniform, and shall not exceed the rate certified by the township board of trustees or directors and the said county clerk, before delivering the tax books to the collector, shall make out and deliver, on demand, to each township treasurer, or other authorized person, of the respective townships, or part of townships, in the county, a certificate of the amount due his township, of said tax so levied and placed upon the tax books; and on or before the first day of April next after the delivery of the tax books containing the computation and levy of said taxes aforesaid, or so soon thereafter as the township



treasurer, or other authorized person, shall present the said certificate of the amount of said tax, and make a demand therefor, the said county collector shall pay to said township treasurer, or other authorised person, the full amount of said tax, so certified by the county clerk, retaining from said amount only two per centum, as his fees for collection, taking of the township treasurer, or other authorized person, his receipt therefor; which receipt shall be evidence, as well in favor of the collector as against the township treasurer, or other authorised person for him; and said treasurer, or other authorised person for him, shall enter the same in separate accounts, in his cash book, distinguishing between that part of said account for general school purposes, and that for paying teachers and extending the terms of schools, and pay the same out as provided for by this act.

§ 73. If any collector shall fail to pay the amount of said tax, or any part thereof, as required in the aforesaid section, it shall be competent for the township treasurer, or other authorized person, to proceed against such collector and his securities in an action of debt in the county court; which court is hereby vested with full power and authority to hear and determine all such suits, render judgments and issue execution; or said suit may be brought in any other court having jurisdiction; and the said collector, so in default, shall pay twelve per centum upon the amount due, to be assessed as damages, which shall be included in the judgment rendered against him: *Provided*, no collector shall be liable for such part of said tax as he shall be able to make appear he could not have collected by law, until he may be able to so collect such amount. Penalty.

§ 74. When a township is or shall hereafter be situated in two or more counties, the certificate, of the rate of taxation, required in the sixty-ninth (69) [section] of this act, shall be returned to the clerks of the county court of each of such counties, furnishing to each clerk the names of the resident tax payers of that part of such township which lies in his county, and each of said clerks shall proceed in all respects, as regards the taxable residents and taxable property of that part of such township situated in his county, as required by the seventy-second section of this act, and for the purpose of enabling the trustees of townships, or school directors to make the estimate of taxes required as provided in section seventy-two, the county clerk of each county shall furnish to the clerk of each of said boards, the total amount of valuation of the taxable property of each township, part of township, or district respectively, as returned by the assessor of the previous year; and to enable the clerk of the county court to perform this duty for the first estimates of the boards, as

Certificate to be  
returned to clerk  
of county court.

Power to borrow  
money.

Pro v. so.

aforesaid, the clerks of said boards, respectively, shall furnish to said county clerk a list of all the names of the resident tax payers of the previous year in said township or part of township or district, in the county, and thereafter said list of names shall be furnished as provided in section seventy of this act. For the purpose of erecting school houses, or purchasing school house sites, or for repairing and improving the same, it shall be lawful for the board of directors of any district to borrow money at a rate of interest not exceeding ten per cent. per annum, and issue bonds therefor in sums not less than one hundred dollars; which bonds shall be executed by the president and clerk of said board: *Provided*, that the total indebtedness incurred by any district under this section, shall not at any time exceed one per centum of the assessed value of the real and personal property of said district.

#### COMPENSATION OF OFFICERS.

Compensation of  
school commis-  
sioner.

§ 75. School commissioners shall be allowed to retain, out of the township funds of the township for which the services may be rendered, three per cent. upon the amount of sales of school lands, and upon the real estate taken for debt, for their services in making such sales, including such other services connected therewith as are required by the provisions of this act, and two per cent. they may retain upon the amount of all sums distributed, paid or loaned out by them for the support of schools; and for visiting schools, they shall be allowed to retain two dollars per day, for any number of days not exceeding fifty during any year, which account shall be certified and sworn to by the commissioner of each county.

Township treasur-  
er.

Proviso.

§ 76. Township treasurers shall be allowed to retain two per cent. upon all sums paid out, or loaned by them: *Provided, however*; the boards of trustees may reduce said compensation; and said boards shall, and it is hereby made their duty, to make a reasonable allowance to said treasurers for their services performed as clerks of said boards, to be paid out of the township funds. School commissioners, trustees of schools, school directors, and all other school officers, shall be exempted from working on the roads, serving on juries and military duty.

#### LIABILITIES OF OFFICERS.

Liabilities of offi-  
cers.

§ 77. If any school commissioner, trustee of schools, township treasurer, director, or any other person entrusted with the care, control, management, or disposition of any school, college, seminary, or township fund, for the use of any county, township, district, or school, shall

convert any such funds, or any portion thereof, to his own use, he shall be liable to indictment, and upon conviction, shall be fined in not less than double the amount of money converted, and imprisoned in the county jail not less than one or more than twelve months, at the discretion of the court.

§ 78. Trustees of schools shall be liable, jointly and severally, for the sufficiency of securities taken from township treasurers; and in case of judgment against said treasurers and their securities, for or on account of any default of any such treasurer, on which the money shall not be made for want of sufficient property whereon to levy execution, actions on the case may be maintained against said trustees, jointly or severally, and the amount not collected on said judgment shall be recovered with costs: *Provided*, that if said trustees can show, satisfactorily, that the security taken from the treasurer as aforesaid was at the time of said taking good and sufficient, they shall not be liable as aforesaid.

§ 79. The real estate of school commissioners, of township treasurers, and all other school officers, and of the securities of each of them, shall be bound for the satisfaction and payment of all claims and demands against said commissioners and treasurers, and other officers, as such, from the date of issuing process against them, in actions or suits brought to recover such claims or demands, until satisfaction thereof be obtained; and no sale or alienation of real estate by any commissioner, treasurer or other officer, or security aforesaid, shall defeat the lien created by this section, but all and singular such real estate held, owned, or claimed as aforesaid, shall be liable to be sold in satisfaction of any judgment which may be obtained in such actions or suits.

Lien upon real estate from date of process.

§ 80. Trustees of schools, school directors or either of them, failing or refusing to make returns of children in their township, or district, according to the provisions of this act, or if either of them shall knowingly make a false return, the party so offending shall be liable to a penalty of not less than ten dollars nor more than one hundred dollars, to be recovered by action of assumpsit, before any justice of the peace of the county, which penalty, when collected, shall be added to the township fund; and if any school commissioner, director or trustee, or either of them, or other officer whose duty it is, shall negligently or wilfully fail or refuse to make, furnish, or communicate the statistics and information, or shall fail to discharge the duties enjoined upon them, or either of them, at the time and in the manner required by the provisions of sections nineteen and thirty-eight of this act, such delinquent or party offending shall be liable to a fine of

Failure to make return.

twenty-five dollars, to be recovered before any justice of the peace, on information in the name of the people of the state of Illinois, and when collected shall be paid to the school commissioner of the proper county for the use of schools.

§ 81. School commissioners, trustees of schools, directors and township treasurers, or either of them, and any other officer having charge of school funds or property, shall be responsible for all losses sustained by any county, township, or school fund, by reason of any failure on his or their part to perform the duties required of him or them by this act, or by any rule or regulation authorised to be made by this act; and each and every of the officers aforesaid shall be liable for any such loss sustained as aforesaid, and the amount thereof may be recovered, in a civil action, before any court having jurisdiction thereof, at the suit of the state of Illinois, for the use of the county, township, or fund injured; and the amount, when collected, shall be paid to the proper officer, for the benefit of said county, township, or fund injured.

#### COST, TENURE OF OFFICES AND CONTRACTS UNDER FORMER LAWS.

§ 82. No justice of the peace, probate justice, constable, clerk of any court, or sheriff, shall charge any costs, in any suit where any agent of any school fund, suing for the recovery of the same, or any interest due thereon, is plaintiff, and shall be, from any cause, unsuccessful in such suit. School commissioners appointed heretofore shall continue in office until superseded according to the provisions of this act, and their duties, responsibilities, and powers shall be governed by the provisions herein named. Trustees of school lands heretofore appointed, and trustees of schools heretofore elected, shall, also, continue to discharge the duties of their office until trustees of schools are elected under the provisions of this act. Townships heretofore incorporated shall, without any further action or proceeding, be considered as incorporated under the provisions of this act, and the trustees and other officers shall continue to discharge their duties till suspended by appointment or election under this law; and all school directors and officers heretofore appointed, shall continue in office until superseded by the election as provided in this act, and shall be governed by the provisions of the laws heretofore in force, unless otherwise directed by this act. Leases of school lands shall remain valid and be executed according to the laws under which they were made. Common school lands valued and offered for sale and remaining unsold shall be sold upon terms prescribed

School commissioner responsible in certain cases.

No cost to be charged in certain cases.

Tenure of office.

Leases to remain valid.

by this act. All taxes levied and contracts made under the laws hereby repealed shall remain valid, and all rights, remedies, defences, and causes of action existing, or which may hereafter exist or arise, under or by virtue of said repealed laws, shall continue and remain valid, and shall be enforced, notwithstanding the repeal of said laws, unless canceled according to the provisions of this act.

#### OF CITIES AND INCORPORATED TOWNS.

§ 83. This act shall not be so construed as to repeal or change, in any respect, any special acts in relation to schools, in cities or incorporated towns, except that it shall be the duty of the several boards of education, or other officers, of any city or incorporated town, having in charge schools under the provisions of any of the said special acts, or of any ordinance of any city or incorporated town, on or before the second Monday of October, preceding each regular session of the general assembly of this state, or annually, if required so to do by the state superintendent, to make out and render a statement of all such statistics and other information in regard to schools, and the enumeration of children, or white persons, as are required to be communicated by township boards of trustees or directors, under the provisions of the thirty-eighth (38) section of this act, or so much thereof as may be applicable to said city or incorporated town, to the school commissioner of the county where such city or incorporated town is situated, or of the county in which the larger part of such city or town is situated; nor shall it be lawful for the county school commissioner, or any other officer or person, to pay over any portion of the common school fund, to any local treasurer, school agent, clerk, board of education, or other officer, or person, of any township, city, or incorporated town, unless a report of the number of children, or white persons, and other statistics relative to schools, and a statement of such other information, as are required of the boards of trustees or directors as aforesaid, and of other school officers and teachers under the provisions of this act, shall have been filed, at the time or times aforesaid, specified in this section, with the school commissioner of the proper county, as aforesaid.

#### SCHOOLS OF PERSONS OF COLOR.

§ 84. In townships in which there shall be persons of color, the board of education shall allow such persons a portion of the school fund, equal to the amount of taxes collected for school purposes from such persons of color in their respective townships.

## COMMON SCHOOL LANDS.

Common school  
lands.

§ 85. Section number sixteen in every township granted to the state by the United States for the use of schools, and such sections and parts of sections as have been or may be granted as aforesaid, in lieu of all or part of section number sixteen, and also the lands which have been or may be selected and granted as aforesaid, for the use of schools, to the inhabitants of fractional townships in which there is no section number sixteen, or where such section shall not contain the proper proportion for the use of schools in such fractional township, shall be held as common school lands; and the provisions of this act referring to common school lands shall be deemed to apply to the lands aforesaid.

Trespasses.

Penalties.

§ 86. All the business of such townships, so far as relates to common school lands, shall be transacted in that county which contains all or a greater portion of said lands. If any person shall, without being duly authorised, cut, fell, box, bore, destroy or carry away any tree, sapling or log standing or being upon any school lands, such person shall forfeit and pay for every tree, sapling or log so felled, boxed, bored, destroyed or carried away, the sum of eight dollars; which penalty shall be recovered, with costs of suit, by an action of debt or assumpsit, before any justice of the peace having jurisdiction of the amount claimed, or in the county or circuit court, either in the corporate name of the board of trustees of the township to which the land belongs, or by action of *qui tam*, in the name of any person who will first sue for the same—one half for the use of the person suing, the other half to the use of the township aforesaid. When two or more persons shall be concerned in the same trespass, they shall be jointly and severally liable for the penalty herein imposed. Every trespasser upon common school lands shall be liable to indictment, and upon conviction, fined in three times the amount of the injury occasioned by said trespass, and shall stand committed as in other cases of misdemeanor. All penalties and fines collected under the provisions of this section shall be paid to the township treasurer, and be added to the principal of the township fund; and all other fines, penalties and forfeitures imposed or incurred in any of the circuit courts of this state, or collected by justices of the peace or other county officers, except fines collected in incorporated towns or cities, for the violation of the by-laws or ordinances of said towns or cities, shall be paid to the school commissioner of the county where such fines, penalties and forfeitures have been collected, and the same shall be distributed by said commissioner in the same manner as the common school funds of the state are distributed; and if any county officer or justice of the peace afore-

said shall fail or refuse to pay as aforesaid, after collection, such officer or justice of the peace so failing or refusing to pay as aforesaid shall forfeit and pay double the amount of such fine, penalty or forfeiture as aforesaid, collected by him, to be recovered before any court having jurisdiction, in a civil action, at the suit of the school commissioner.

#### SALE OF COMMON SCHOOL LANDS.

§ 87. When the inhabitants of any township or fractional township shall desire the sale of the common school land of the township or fractional township, they shall present a petition to the school commissioner of the county in which the school lands of the township, or the greater part thereof, lie, for the sale thereof; which petition shall be signed by at least two thirds of the white male inhabitants of the township or fractional township of and over twenty-one years of age. The signing of the petition must be in the presence of two citizens of the township, after the true meaning thereof shall have been explained; and when signed an affidavit shall be affixed thereto, by the two citizens, proving the signing in the manner aforesaid, and stating the number of white male inhabitants in the township or fractional township, of and over twenty-one years of age; and said petition, so proved, shall be delivered to the school commissioner for his action thereon: *Provided*, that no whole section shall be sold in any township containing less than fifty inhabitants; and common school lands in fractional townships may be sold when the number of inhabitants and number of acres are in the ratio of fifty to six hundred and forty, but not before.

§ 88. When the petition and affidavits are delivered to the school commissioner as aforesaid, he shall notify the trustees of said township thereof, and said trustees shall immediately proceed to divide the land into tracts or lots of such form and quantity as will produce the largest amount of money; and after making such division, a correct plat of the same shall be made, representing all divisions, with each lot numbered and defined, so that its boundaries may be forever ascertained. Said trustees shall then fix a value on each lot, having regard to the terms of sale, certify to the correctness of the plat, stating the value of each lot per acre, or per lot, if less than one acre, and referring to and describing the lot in the certificate, so as fully and clearly to distinguish and identify each lot; which plats and certificate shall be delivered to the school commissioner, and shall govern him in advertising and selling said lands.

§ 89. In subdividing common school lands for sale, no lot shall contain more than eighty acres, and the division

may be made into town or village lots, with roads, streets or alleys between them and through the same; and all such divisions, with all similar divisions hereafter made, are hereby declared legal; and all such roads, streets and alleys, public highways.

Terms of selling. § 90. The terms of selling common school lands shall be to the highest bidder, for cash, with the privilege to each purchaser of borrowing from the school commissioner the amount of his bid, for any period not less than one nor more than five years, upon his paying interest and giving security, as in case of money loaned by township treasurer, as provided in this act.

Place of selling. § 91. The place of selling common school lands shall be at the court house of the county in which the lands are situated; or the trustees of schools may direct the sale to be made on the premises; and upon the reception by the school commissioner of the plat and certificate of valuation from the trustees, he shall proceed to advertise the said land for sale, in lots as divided and laid off by said trustees, by posting notices thereof in at least six public places in the county, forty days next anterior to the day of sale, describing the land, and stating the time, terms and place of sale; and if any newspaper is published in said county, said advertisement shall be printed therein for four weeks before the day of sale—if none, then it shall be sold under the notice aforesaid.

School commissioner to make sales. § 92. Upon the day appointed, the school commissioner shall proceed to make sales, as follows, viz: he shall begin at the lowest number of lots, and proceed regularly to the highest, till all are sold or offered. No lot shall be sold for less than its valuation by the trustees. Sales shall be made between the hours of ten o'clock A. M., and six o'clock P. M., and may continue from day to day. The lots shall be cried separately, and each lot cried long enough to enable any one present to bid who desires it.

Payment to be secured. § 93. Upon closing the sales each day, the purchasers shall each pay, or secure the payment of the purchase money, according to the terms of sale; or in case of his failure to do so by ten o'clock the succeeding day, the lot purchased shall be again offered at public sale, on the same terms as before, and if the valuation or more shall be bid, shall be stricken off; but if the valuation be not bid, the lot shall be set down as not sold. If the sale is or is not made, the former purchaser shall be required to pay the difference between his bid and the valuation of the lot; and in case of his failing to make such payment, the school commissioner may forthwith institute an action of debt or assumpsit, in his name, as commissioner, for the use of the inhabitants of the township where the land lies, for the required sum; and upon making proof, shall be entitled to



judgment, with costs of suit; which, when collected, shall be added to the principal of the township fund. And if the amount claimed does not exceed one hundred dollars, the suit may be instituted before a justice of the peace; but if more than that sum, then in the circuit court of any county wherein the party may be found.

§ 94. All lands not sold at public sale, as herein provided for, shall be subject to sale at any time thereafter, at the valuation; and school commissioners are authorised and required, when in their power, to sell all such lands at private sale, upon the terms at which they are offered at public sale.

Unsold lands subject to sale at valuation.

§ 95. In all cases where common school lands have been heretofore valued, and have remained unsold for two years after having been offered for sale, or shall hereafter remain unsold that length of time, after being valued and offered for sale in conformity to this act, the trustees of schools where such lands are situated may vacate the valuation thereof, by an order to be entered on book A, of the school commissioner, and cause a new valuation to be made, if in their opinion the interests of the township will be promoted thereby. They shall make said second valuation in the same manner as the first was made, and shall deliver to the school commissioner a plat of such second valuation, with the order of vacation to be entered as aforesaid; whereupon said school commissioner shall proceed in selling said lands in all respects as if no former valuation had been made: *Provided*, that the second valuation may be made by the trustees of schools, without petition, as provided in this act.

Trustees to cause a new valuation.

§ 96. Upon the completion of every sale by the purchaser, the school commissioner shall enter the same on book B, and shall deliver to the purchaser a certificate of purchase, stating therein the name and residence of the purchaser, describing the land and the price paid therefor; which certificate shall be evidence of the facts therein stated.

Certificate of purchase.

§ 97. At the first regular term of the county court in each year, the school commissioner shall present to the court of his county—first, a statement showing the sales of school lands made subsequent to the first regular term of the previous year, which shall be a true copy of the sale book, (book B;) second, statements of the amount of money received, paid, loaned out, and on hand, belonging to each township or fund under his control—the statement of each fund to be separate; third, statements copied from his loan book, (book C,) showing all the facts in regard to loans which are required to be stated upon the loan book; all of which the county court shall thereupon examine and compare with the vouchers, and the said county court, or so

Statement of school commissioner to county court.

many of them as may be present at the term of the court, shall be liable individually to the fund injured, and to the securities of said school commissioner, in case judgment be recovered of said securities, for all damages occasioned by a neglect of the duties, or any of them, required of them by this section: *Provided*, nothing herein contained shall be construed to exempt the securities of said school commissioner from any liability as such securities, but they shall still be liable to the fund injured the same as if the county commissioners were not liable.

Proviso.

Transcript to be furnished the auditor.

§ 98. The school commissioner shall also, at the time aforesaid, transmit to the auditor of public accounts a full and exact transcript from book B of all the sales made subsequent to each report. The statement in section ninety-seven (97) hereof, required to be presented to the county court, shall be preserved and copied by the clerk of said court into a well bound book, kept for that purpose, and the list transmitted to the auditor shall be filed, copied and preserved in like manner.

Purchaser to receive patent.

§ 99. Every purchaser of common school land shall be entitled to a patent from the state, conveying and assuring the title. Patents shall be made out by the auditor from returns made to him by the school commissioner. They shall contain a description of the land granted; and shall be in the name of and signed by the governor, countersigned by the auditor, with the great seal of the state affixed thereto by the secretary of state, and shall operate to vest in the purchaser a perfect title in fee simple. When patents are executed as herein required, the auditor shall note on the list of sales the date of each patent, in such manner as to perpetuate the evidence of its date and delivery, and thereupon transmit the same to the school commissioner of the proper county, to be by him delivered to the patentee, his heirs or assigns, upon the return of the original certificate of purchase; which certificate, when returned, shall be filed and preserved by the school commissioner.

Duplicate copies.

§ 100. Purchasers of common school lands, and their heirs and assigns, may obtain duplicate copies of their certificates of purchase, and of patents, upon filing affidavit with the school commissioner in respect to certificates, and with the auditor in respect to patents, proving the loss or destruction of the originals; and such copies shall have all the force and effect of the originals.

#### ACTS REPEALED—PUBLICATION AND DISTRIBUTION OF THE ACT.

Acts repealed.

§ 101. An act entitled "An act to establish and maintain common schools," approved February 12th, 1849, and an act to amend said act, approved February 12th, 1851,

and an act entitled "An act to increase the school fund," approved February 10th, 1853, and all other acts and parts of acts coming in conflict with the provisions of this act, are hereby repealed. This act to be in force from and after its passage.

§ 102. The public printer is hereby required to print thirty thousand copies of this act, under the direction of the secretary of state, who shall first make a perfect index hereto, to be distributed by him according to population among the several counties of the state, and deposited with school commissioners, to be distributed by them to the directors of the boards of education and township treasurers, for the use of the different officers under this law.

Number of copies  
to be printed and  
distributed.

APPROVED Feb. 15, 1855.

AN ACT to relocate a portion of a state road therein named.

In force Feb. 15,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Nathan Sand, John Shaw and James Anderson be and they are hereby appointed commissioners to view and locate so much of the Belleville and Nashville state road, from some point between the farms of John and Charles Rayhill, in St. Clair county, to Euengmain's ferry, on the Kaskaskia river, in Washington county, running through a portion of Clintor county. Said relocation to be made as follows, to wit: beginning at the above points, thence east, following the sectional and 1-4 sectional line, running east and west, or so much so as to cause as little damage to the owners of property as possible, so as to locate the same on the nearest and best route to said ferry.

Commissioners.

§ 2. That said commissioners, or a majority of them, shall meet on or before the first Monday in the month of March next, or so soon thereafter as possible, at the town of Mascoutah, in St. Clair county, and take an oath before some justice of the peace of said county well and truly to perform the duties required of them by this act, thereupon proceed so to do.

To be sworn.

§ 3. When said commissioners shall have reviewed the said ground, and shall have relocated the said road, it shall be their duty to cause to be made out, by some competent surveyor, a plat, accompanied with a survey thereof, showing said relocation, and file the same, together with their report, with the clerk of the county of St. Clair, and also cause to be made out like copies, and sent to the

To make plat and  
report.

clerks of the county courts of Clinton and Washington counties.

Evidence.

§ 4. That said plats, or certified copy thereof, shall be evidence hereafter in all courts in this state. And after said plat shall have been made out as aforesaid, and returned to the clerks of said counties, the said road shall, within three months from said date, be opened and kept in repair as other state and public roads in this state. This act is to apply to all roads so located by law in said county of St. Clair; and so much of the old roads affected by such relocation is hereby declared vacated.

Expenses.

§ 5. That the said counties of St. Clair and Clinton shall pay the expenses incident to the relocation of said road in proportion to the length of the line of the relocation of said road in each county respectively.

§ 6. This act shall be deemed a public act, and take effect from and after its passage, February 5th, 1855.

APPROVED Feb. 15, 1855.

In force Feb. 15, 1855. AN ACT to review and relocate a part of the state road from Ottawa to Peru.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Giles Jackson, Lorenzo Leland and Eli Waterman be and are hereby appointed commissioners to review and relocate that part of the state road which runs diagonally through the farms of Michael Shaughnessy, Martin McLaughlin, Thomas Hurlbut and Anthony Wilkinson, to the northwest corner of said Wilkinson's farm, and lay out the same upon the section line between sections five and eight, six and seven, until it intersects the town line between Ottawa and Utica; and from thence north, upon the town line, to intersect the above mentioned state road.

To take oath.

§ 2. Said commissioners, or a majority of them, shall meet at Ottawa, in La Salle county, on the first Monday in April, or as soon thereafter as convenient, and after being duly sworn before some justice of the peace, faithfully to discharge the duties required of them by this act, and shall proceed to review and relocate said road as herein described, and cause to be made a map of the survey of said road, certified by them, and forward a copy thereof to the clerk of the county court, which said clerk shall file in his office; and the said road, thus relocated, shall be and is hereby declared a public state road, and shall be opened and laid out in the same manner as other public roads are.

To file plat.

§ 3. Said commissioners shall be allowed the sum of two dollars per day, while actually engaged in reviewing and relocating said road, and there shall be allowed the sum of three dollars per day, to a surveyor, and expenses, while employed by said commissioners. Compensation.

§ 4. This act to be in force from and after its passage.

APPROVED Feb. 15, 1855.

AN ACT to repeal an act to vacate certain streets and alleys in the town of Jonesboro. In force Feb. 12, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the act entitled "An act to vacate certain streets and alleys in the town of Jonesboro," approved June 18th, 1852, be and the same is hereby repealed. This act to be in force from and after its passage.

APPROVED Feb. 12, 1855.

AN ACT for the relief of John M. Buford.

In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John M. Buford is hereby released from all claims on the part of the state against him, as security for James Bridges, on his official bond, as sheriff of Jasper county, and the claim of the state upon any real estate which has been sold by virtue of any judgment recovered by the state against the said John M. Buford, upon the claim aforesaid, is hereby released: *Provided,* that the said Buford shall, within ninety days from the passage of this act, pay all costs which may have been made in any suit instituted upon said claim against said Buford on behalf of the state.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED February 14, 1855.

AN ACT to vacate the Shelbyville and Palestine state road.

In force Feb. 15, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the state road, in Cumberland county, as is known

by the Shelbyville and Palestine state road, as lies south of the north line of said county, and north of the National road, be and the same is hereby vacated, and that the county court of Cumberland county have full power and authority to vacate, relocate, alter or amend, and declare the same to be a county road, and have the control over it as over other county roads. This act to take effect and be in force from and after the tenth day of March next.

APPROVED Feb. 15, 1855.

In force Feb. 14, 1855. AN ACT authorising the city of Warsaw to sell the school lands belonging to the said city, and confirming title to the same.

Preamble.

WHEREAS, by an act entitled "An act to incorporate the city of Warsaw," approved February 12th, 1853, the said city and such portion of township four north, range nine west of the fourth principal meridian, as may be hereafter incorporated into the same, was erected into a common school district, to be known as, and called, the Warsaw school district; and whereas the trustees of schools in said township four north, range nine west, were required by said acts to appoint three respectable householders to act as commissioners, which said commissioners were authorised and empowered by said act to divide the township funds and estate, real and personal, between the said city and that portion of said township lying without the limits of said city, in proportion to the number of children under the age of twenty years, residing within and without said city; and whereas the said trustees of schools, in pursuance of the requirements of said act, did, on the 3d day of August, A. D. 1853, appoint John F. Charles, a householder, residing in said city, Pierre A. Barker, a householder, residing without the limits of said city, in township four north, range nine west, and William Frazee, a resident of township four north, range eight west, said commissioners; and whereas said commissioners did, in pursuance of the powers vested by said act and an act amendatory to the same, approved March 1st, 1854, make division of the funds belonging to said township, as is by said acts required, and did also on the 9th day of September, A. D. 1854, in pursuance of authority conferred in said act, execute to the said city of Warsaw a deed, conveying to said city, for the use of said Warsaw school district, its proper proportion of the lands and town lots belonging to said township; now, therefore—

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the acts of said commissioners be and the same is hereby confirmed, and the title to all the lands and town lots recited in, and intended to be conveyed by, said deed, be and the same is hereby vested and confirmed in said city of Warsaw, for the use of said Warsaw school district; and no informality in the appointment by the trustees of schools in said township of said commissioners, and no informality in the proceedings of said commissioners in making said distribution and conveyance, shall be allowed to impair or in anywise affect the title by them intended to be conveyed to said city of Warsaw.

Acts of commissioners confirmed.

§ 2. Whenever two-thirds of the white male inhabitants of said city of Warsaw, of and over the age of twenty-one years, shall petition the city council of said city of Warsaw, (said petition to be signed and authenticated in manner and form, as pointed out by the 16th section of an act entitled "An act to establish and maintain common schools," approved February 12th, 1849,) for the sale of the lands and town lots held by said city, for the use of said Warsaw school district, the said city council may authorise the mayor of said city to advertise and sell the same in manner and on such terms as may be prescribed by ordinance of said city; the funds arising from such sale to be held by the city, in trust, for the use of the common schools in said city.

Inhabitants to petition council.

§ 3. The mayor of said city of Warsaw is hereby authorized to execute certificates of purchase to the purchasers of said school lands, under the direction of the city council, and in pursuance of the ordinance or ordinances that may be duly established for that purpose; and after the payment of the purchase money by any purchaser, he shall execute a deed, in the form that may be prescribed by ordinance, to the person entitled thereto, for any portion of the lands or town lots aforesaid; and such deed, duly executed by the mayor of said city, shall vest the title, in fee simple, in the said purchaser, his heirs or assigns forever.

Mayor to execute certificate.

APPROVED Feb. 14, 1855.

AN ACT to view and locate a state road, and to vacate others therein named.

In force Feb. 14, 1855.

*Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Benjamin T. Phelps, Daniel F. Hitt and J. M. Quinby, or a majority of them,

Commissioners.

To take oath.

To file plat.

Damages.

be and they are hereby authorised to survey and locate a state road from the south bank of the Illinois river, in the city of Ottawa, west or southwesterly, to the bridge over Fall creek, at or near its mouth. Said commissioners, or a majority of them, shall meet at the county clerk's office of La Salle county, on Monday, the 2d day of April, at 10 o'clock A. M., and after having taken an oath before said clerk, or any justice of the peace, faithfully to perform the duties of said office, shall proceed to view and locate such road, and shall cause a map to be made of the same, when so surveyed and located, and certify to it, and file it in the office of said clerk, who shall file and record the same; after which all other roads heretofore established, whether state or county roads, shall be and the same hereby are declared to be vacated from the time of filing such map.

The said commissioners shall also, at the same time and place aforesaid, assess all damages that may be sustained by reason of the location of such road, and report the same; which damages shall be paid before said road shall be established, or the other roads be vacated. If said commissioners fail to meet on the day appointed, they may meet on any other day, after giving twenty days' notice in any newspaper published in said city.

This act shall be in force from and after its passage.

APPROVED, Feb. 14th, 1855.

In force Feb. 14,  
1855.

#### AN ACT for the relief of William T. Head.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* William T. Head, late collector of the revenue in the county of McDonough, be credited with the sum of nineteen dollars and fifty-five cents, upon the state tax of the county of McDonough, for the years 1850 and 1851.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 14th, 1855.

In force Feb. 15,  
1855.

#### AN ACT for the relief of Marvin Peck.

Whereas.

WHEREAS Marvin Peck, of the county of Tolland, state of Connecticut, represents that he is the owner of canal bonds, of the issue of 1847, numbered fifty-seven (57)



and fifty-eight (58) for one thousand dollars each ; and whereas none of the said coupons attached to said bonds have ever been presented for payment, for the reason that the first three coupons upon each bond had been stolen and destroyed—each of said coupons being of the denomination of thirty dollars ; therefore—

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That where-  
in the said Marvin Peck, his heirs, or assessors, shall execute a good and sufficient bond in the sum of three hundred and sixty-six dollars, payable to the state of Illinois, with such securities as shall be approved by the governor and secretary of state, and conditioned for the full indemnity of the state against the production and payment or inability in any manner whatever, by reason of the above described coupons, and file the said bond in the office of the secretary of state, the governor be and he is hereby authorised and required to issue a certificate for the amount of said above described coupons, which certificate shall express upon its face certificate No. 1, 11, for the payment of six coupons which have been stolen and destroyed, and which said coupons were cut from canal bonds No. 57, (fifty-seven) and fifty-eight (58), they being the first coupons payable on each of the bonds above referred to ; which said certificate shall be of the same force and effect of the said coupons, and entitle the holders thereof to the same rights, privileges and payment, in all respects whatever, as though they were the holders of the original coupons: *Provided*, that the governor shall not issue any certificate for such coupons represented as being lost, unless he is satisfied that they were really lost by the said Marvin Peck, and have never been taken up or paid by the state. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

Heirs, &c., to execute bond.

To be approved.

Governor to issue certificate.

Provide.

AN ACT to change the location of a part of the state road running from Appanooce, in Hancock county, to Hunt's bridge, in McDonough county. In force Feb. 15, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the state road running from Appanooce, in Hancock county, to Hunt's bridge, in McDonough county, shall be so altered from the point where it strikes the west line of the southwest quarter of section twenty-seven, in township six north, of range number five west of the fourth principal meridian,

Road to be changed.

as to run south on said west line to the southwest corner of said section twenty-seven; thence east on the south line of said section to the southeast corner thereof; thence south on the east line of section thirty-four, in said township, until it intersects said road, as now laid out; and that all that portion of said road which runs diagonally across said sections twenty-seven and thirty-four, in said township, be and the same is hereby vacated.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

In force Feb. 14, 1855. AN ACT to establish a state road from Marion, in Williamson county, to De Soto, in Jackson county.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That Stephen S. Hall, of Jackson county, and William Hincheliff and Robert M. Hurdley, of Williamson county, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at Marion, in Williamson county, and run to Sedonia, in said county, and thence to De Soto, in Jackson county, crossing Big Muddy, nearer at or near Marshal Shoals.*

To take oaths.

§ 2. It shall be the duty of said commissioners to proceed to Marion, in the county of Williamson, on the first Monday of April after the passage of this act, or as soon thereafter as they may find it convenient, and after having been sworn by some acting justice of the peace of said county, to view, mark and locate a road, as above designated, having due regard to private property.

For plat.

§ 3. When said commissioners shall have laid out and established the said road as aforesaid, they shall make out and deliver to the clerks of the counties through which said road passes, a copy or plat of said road, which plat, when so received by said clerks, shall be entered of record in their several offices; and the said entries, when so made, shall be evidence in all courts in this state of the existence of said road.

Evidence.

Compensation.

§ 4. The county courts of the said counties through which said road passes, shall allow to the said commissioners, and to the said clerks, a reasonable compensation for their services rendered as aforesaid, in proportion to the amount of labor performed in each county.

APPROVED Feb. 14, 1855.

AN ACT to relocate a portion of the state road from Carthage, in Hancock county, to Rushville, in Schuyler county. In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Richard Canon, Ambrose Bryant and Henry Harper, of Hancock county, be and they are hereby appointed commissioners to relocate so much of the state road leading from Carthage, in Hancock county, to Rushville, in Schuyler county, as lies between the public square, in the town of Plymouth, in Hancock county, and the northwest corner of township four north, in range five west, in said county of Hancock, to the present located road, having due regard to the rights of persons and interest of the public. Commissioners.

§ 2. That said commissioners meet before the first day of March next, at Plymouth, aforesaid, take an oath before some justice of the peace of Hancock county faithfully to perform their duties as such commissioners, pursuant to this act. That said commissioners, after taking such oath, proceed to view said road, and relocate the same, and make an accurate plat of the road, or that part of it relocated by them, and file the same, with their report, in the office of the clerk of the county court of said county of Hancock, as soon as practicable after the completion thereof; and so much of said road as shall be so relocated is hereby declared to be a part of said state road from Carthage to Rushville, from and after said report and plat shall be filed with said clerk. So much of said old road as is affected thereby is hereby vacated, to take effect after said report and plat shall be filed as aforesaid. Said clerk shall record said plat and report; and said report and plat, or the record thereof, shall be evidence of said road, and such vacation and relocation; and said commissioners shall be paid by said county one dollar and fifty cents to each of said commissioners for each day necessarily employed about their said duties. This act to be in force from and after its passage. To be sworn. File plat. Put to record.

APPROVED Feb. 14, 1855. Compensation.

AN ACT to provide for the ordinary and contingent expenses of the government until the adjournment of the next regular session of the general assembly. In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the following sums be and the same are hereby appropriated, to meet the ordinary and contingent expenses of the govern- Appropriations.

ment until the adjournment of the next regular session of the general assembly of the state of Illinois.

Contingent fund.

1. A sum not exceeding eight thousand dollars, as a contingent fund to meet the contingent expenses of the state government; and the said sum shall be subject to the order of the governor, for the purpose of defraying all such expenses as are unforeseen by the general assembly, or are unprovided for by law, and a proper statement of which shall be laid before the next general assembly by the auditor, in his biennial report.

Executive department.

2. To the executive department, for postage, candles, books, stationery, &c., a sum not exceeding eight hundred dollars.

Office of secretary of state.

3. To the secretary of state's office, for furniture and repairs of office, postage, printing, stationery, books, gas, &c., and for repairs, binding, subscription to periodicals, &c., for state library, a sum not exceeding three thousand dollars.

Fuel, stationery, &c.

4. For fuel for the use of the legislature and state officers, stationery, printing paper and other expenses necessary in the discharge of the duties required of him as secretary of state, by the laws now in force, a sum not exceeding twelve thousand dollars.

Secretary of state for deficiency of 1853.

5. To the office of the secretary of state, for deficiency of appropriation of 1853, to meet payments due for printing, paper, fuel, &c., a sum not exceeding three hundred dollars.

Indexing laws &c.

6. To the secretary of state, the sum of one hundred dollars, for making index to the laws, journals and reports of the present general assembly.

A. Starne for expenses.

7. To A. Starne, the sum of twenty dollars, for expenses to Chicago, to purchase stationery, &c., for the use of the legislature.

Auditor's office for postage, &c.

8. To the auditor's office, for furniture, repairs of office, printing blanks, patents, &c., for the use of the office, for postage, stationery, books and candles, and for contingent expenses necessary in the discharge of the duties required of him by law, a sum not exceeding six thousand dollars.

Office of treasurer.

9. To the office of the state treasurer, for books, furniture, postage, candles, stationery, &c., a sum not exceeding five hundred dollars.

Private secretary

10. The sum of five dollars per day to the clerk of the executive department, during the present session of the legislature.

I. R. Diller postage.

11. To Isaac R. Diller, for postage on letters and documents from and to bank commissioners, from March 1st, 1853, to January 1st, 1855, the sum of fifty-three dollars and eighty cents.

12. To Messrs. Lanphier & Walker, for printing done for bank commissioners to July 10th, 1854, the sum of two hundred and seventy-nine dollars and ninety-five cents. Lanphier & Walker.

13. To W. B. Fondey, for carpet, &c., furnished the state, two hundred and fifty-seven dollars and fourteen cents. W. B. Fondey.

14. To the pages of the senate and house of representatives, each the sum of one dollar and fifty cents per day, for the time actually employed, the number of days of each to be certified by the principal secretary of the senate and the clerk of the house. Pages of senate and house.

15. To John C. Lamb, for rent of building for state armory, from January 1st, 1854, to January 1st, 1855, five hundred dollars. J. C. Lamb.

16. To J. A. Hough, for making twenty-five desks for the senate chamber, five hundred dollars. J. A. Hough.

17. To A. Gridley, for amount expended in procuring teams and conveyances for members of the legislature, one hundred and three dollars. A. Gridley.

18. To the clergymen of Springfield, who have officiated as chaplains to the general assembly, the sum of one hundred dollars, to be divided among them as they may agree among themselves. Clergymen of Springfield.

19. The auditor of public accounts is hereby authorised and required to issue his warrant on the treasurer in favor of any person who has or may hereafter furnish for the use of this general assembly, any stationery, printing, paper, candles, or other article, or for work done, which shall be paid out of any money in the treasury not otherwise appropriated. The accounts shall be certified to by the proper officer and approved by the governor. Auditor to issue warrants.

20. To each member of the joint committee of the senate and house of representatives, to visit the state prison at Alton, the sum of twenty-five dollars. Joint committee.

21. The governor be and he is hereby authorised and required to order the payment of the postage accounts for this session of the general assembly, which shall be paid on the warrant of the auditor, out of any moneys in the treasury not otherwise appropriated. Postage.

22. There shall be paid to publishers of the Illinois Journal and State Register, each, respectively, the sum of one hundred and fifty dollars for publishing the public laws passed at this session of the general assembly. Publishers of Register and Journal.

23. The necessary amount to pay the expenses of obtaining the abstracts of taxable lands from the several land offices, and for making abstracts thereof for the use of the counties, at the rate fixed by law, is hereby appropriated. Abstracts.

- John Hutchinson 24. To John Hutchinson, for making one book case for office of superintendent of public schools, the sum of twenty-eight dollars.
- Quartermaster. 25. To the quarter master general, such an amount as the governor and auditor shall allow for work and services and for money expended in accordance with an act entitled an act to preserve the state arms, approved March 1st, 1847.
- Insane Asylum. 26. To the Illinois state hospital for the insane, the sum of thirty thousand dollars per annum, which shall be paid to the treasurer of said institution quarterly, in such sums as may be necessary to meet the expenses of the institution: *Provided*, that the treasurer aforesaid shall first account for all moneys heretofore received by him as now provided for by law, and shall file in the office of the auditor a written estimate of the amount necessary to meet the expenses of the institution until the end of the following quarter, which amount he shall be entitled to receive, and at the end of each quarter, and before he shall draw any further sum from the state, he shall file vouchers for the payments made out of the funds in his hands, and if there be any unexpended funds in his hands, the amount thereof shall be deducted from the amount of the estimate from the next quarter.
- Blind asylum and deaf and dumb. 27. To the "institution for the education of the blind," the sum of fourteen thousand dollars per annum, and to the "Illinois institution for the education of the deaf and dumb," the sum of twenty thousand dollars per annum, for expenses and repairs, which shall be paid and accounted for in like manner as the foregoing appropriation made to the Illinois state hospital for the insane.
- D. L. Phillips. 28. That D. L. Phillips be and he is hereby allowed the sum of forty-five dollars, for nine days services as sergeant-at-arms, *pro. tem.*, of the senate.
- Public grounds. 29. The sum of four thousand five hundred [dollars] is appropriated to fix the roof of the state house and further complete the work around the public grounds, to be drawn upon by the joint requisition of the governor, auditor and treasurer.
- Governor's house 30. The sum of sixteen thousand dollars is appropriated to finish the governor's house, to be drawn by the joint requisition of the governor, auditor and treasurer.
- Deaf and dumb, for repairs. 31. To the Illinois institution for the education of the deaf and dumb, the sum of five thousand dollars, to finish repairs on the main building of said institution.
- I. S. Britton. 32. To Isaac S. Britton, for writing and business done in the office of the superintendent of public schools, the sum of forty dollars.

33. To John Eck, for services as mail messenger, the sum of one dollar per day, during the session of the present general assembly. John Eck.

APPROVED Feb. 14, 1855.

AN ACT to enable the auditor of public accounts to pay the interest on the school fund to White county. In force Feb. 1 1855.

WHEREAS the collector of revenues of White county, in this state, for the year 1847, failed to pay a portion of interest due said county on the school, college and seminary fund for said year; therefore, Preamble.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of this state is hereby authorised and required to draw his warrant on the state treasurer of this state, in favor of said county, for the sum of four hundred and one dollars and eighty-eight cents, being the amount of said interest remaining due and unpaid to said county; which sum shall be paid out of any moneys in the treasury not otherwise appropriated. Duty of Auditor.

§ 2. This act shall be deemed a public act, and take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

AN ACT to provide for the paying the expenses of the present General Assembly. In force Feb. 1 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the balance of revenue funds now on hand in the state treasury be and the same are hereby appropriated exclusively to pay the expenses of the members and officers of the present General Assembly.

§ 2. That in case of deficiency from the revenue the state treasurer is hereby authorised to use from the state debt fund now on hand the amount so used, to be replaced from the revenue received into the treasury during the present year.

§ 3. This act to be in force from and after its passage.

APPROVED Feb. 12, 1855.

in force Feb. 16, 1855. AN ACT to authorise the trustees of the Illinois and Michigan Canal to make an appropriation for the building of a bridge over the canal at Seneca, in La Salle county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the board of trustees of the Illinois and Michigan Canal be and they are hereby authorised to appropriate, out of the canal fund, any sum not exceeding fifteen hundred dollars, for the construction of a carriage bridge over said canal on section number twenty-three, (23,) in township number thirty-three, in range number five east of the 3d principal meridian, at Seneca, in La Salle county.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

in force Feb. 15, 1855. AN ACT to relocate a portion of the state road leading from Charleston to Danville.

Commissioners. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Josiah Sandusky, Harvey Sadowski and John Thompson be and they are hereby appointed commissioners to relocate so much of the state road leading from Charleston to Danville as lies in township 18 north, of range 12 west, in Vermilion county, having due regard to private property and the convenience of the public.

To take oath. § 2. That said commissioners shall meet at the court house, in Danville, on or before the first day of April next after the passage of this act, or as soon thereafter as possible, and take an oath before some justice of the peace of said county well and truly to perform the duties required of them by this act.

To be placed. § 3. When the commissioners shall have viewed the said ground, and shall have relocated said road in said township, it shall be their duty to make out a plat of the road so relocated, and lay it before the board of supervisors of said county of Vermilion as soon as practicable after the completion of the same; and the road so located is hereby declared to be a state road; and so much of the old as may be affected by said relocation is hereby vacated.

To be evidence. § 4. The said plat shall be evidence hereafter in all courts of record in this state; and it shall be the duty of the clerk of the board of supervisors of said county to record said plat on the records of his office; and said board of supervisors shall allow to said commissioners a reason-



able compensation for the services required by this act. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

AN ACT to establish a state road from McLeansboro, in Hamilton county, to Salem, in Marion county. In force Feb. 15, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Cloyd Crouch, of Hamilton county, Thomas B. Richardson, of Wayne county, John Bagwell, of Jefferson county, and Cyrus W. Webster, of Marion county, be and they are hereby appointed commissioners to locate a state road from McLeansboro, in Hamilton county, via Middletown, in Wayne county, to Salem, in Marion county. Commissioners.

§ 2. The said commissioners, or a majority of them, shall meet at McLeansboro, on the first Monday in June next, or as soon thereafter as convenient, and after calling to their assistance two chairmen and one axeman, and after being sworn by some justice of the peace faithfully to discharge the duties required of them by this act, shall proceed to survey, mark and locate said road, and having so located the same, shall, within thirty days thereafter, return to the office of the clerk of the county court of each of said counties through which said road does pass, one copy of the plat of survey, together with the field notes thereof; which, together with the report of said commissioners, shall be spread upon the records of said county courts. To meet.  
Take oath.

§ 3. The county court of each county through which said road shall have been located shall, at the first term of said county court which shall be held after the location as aforesaid, notify the supervisor of roads in each district in which said road is laid out of the location of said road, and cause the same to be opened immediately, and kept in repair as other roads are. File report and plat.

§ 4. In locating said road the commissioners shall have due regard to private property, doing as little damage as is consistent with the public interest. To be opened.

§ 5. The said commissioners shall each receive as a compensation for their services the sum of two dollars per day, and the chain carriers one dollar and fifty cents each per day, and axeman one dollar and fifty cents per day, which shall be paid out of the treasuries of the respective counties, on the order of the county court, in proportion to the distance which said road may run in each county. Compensation.

Public road.

§ 6. Said road, when so located, shall be and the same is hereby declared a state road, and shall be opened four rods wide, and kept in repair as other state roads.

§ 7. This act shall be in force from and after its passage.

APPROVED Feb. 15, 1855.

In force Feb. 15,  
1855.

AN ACT organising a school district in Vermilion county, and authorising the sale of school lands therein.

New district  
formed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all that part of township twenty north, of range ten west, in Vermilion county, heretofore attached to and forming a part of the school district situated in range eleven, township twenty, in said county, be detached from said school district, and formed into a separate school district, subject to all the rules and regulations and to enjoy all the privileges and advantages which any other school district in said county is now subject to or enjoy.

Commissioner  
authorised to sell  
school lands.

§ 2. That the school commissioner of Vermilion county be and he is hereby authorised and requested to sell all the school lands situated in township twenty north, of range ten west, in said county, upon the presentation to him of a petition signed and sworn to, as required by an act entitled "An act to establish and maintain common schools," in force April 13th, 1849; and the funds arising from the sale of said lands to be for the use of said township, and to be paid over as in other cases of sales of school lands.

School commis-  
sioner to be gov-  
erned.

§ 3. That the said school commissioner shall be governed, in all respects, in the sale of said school lands, as now governed in the sale of other school lands in said county.

§ 4. That an act organizing a school district in Vermilion county and authorising the sale of school lands therein, approved Feb. 6, 1843, [be and is hereby repealed.]

Act repealed.

§ 5. All acts and parts of acts in conflict with this act be and the same are hereby repealed. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

In force Feb. 15,  
1855.

AN ACT for the relief of Joseph Harvey and William Harvey.

WHEREAS Joseph Harvey and William Harvey, of the city of Philadelphia, were, on or about the month of January, in the year one thousand eight hundred and forty-six,

the owners of three certain internal improvement scrip of this state, of the following tenor and description: No. 3024, letter B, dated March 17th, 1840, for one hundred dollars, payable to and endorsed by H. Fellows, issued on draft No. 534, and drawing interest from the 20th day of September, in the year eighteen hundred and thirty-nine; No. 3027, letter B; No. 3028, letter B, both of the same date, for the same amount, issued on the same draft, and bearing interest from the same date as that first above described, which were stolen from the abovenamed Joseph Harvey and William Harvey; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That whenever the said Joseph Harvey and William Harvey, or their legal representatives or assigns, shall execute a good and sufficient bond, in the sum of one thousand dollars, payable to the state of Illinois, with such securities as shall be approved by the governor and secretary of state, and conditioned for the full indemnity of the state against the production, payment or liability in any manner whatever by reason of the above described scrip, and file the said bond in the office of the secretary of state, the governor be and he is hereby authorised and required to issue a certificate or certificates of state indebtedness for the amount of the above described scrip, to draw interest from the time the said scrip were to draw interest, as above described; which said certificate shall express upon the face thereof the object and purpose for which they are made, and describe the scrip for which they are issued; and such certificates shall be of the same force and effect as the said scrip, and entitle the holders thereof to the rights and payments in all respects whatsoever as though they were the holders of the said original scrip.

Heits to execute bond.

To be approved.

Governor to issue certificate.

§ 2. It shall be the duty of the governor and secretary, before issuing the certificates mentioned in the first section of this act, to ascertain whether the scrip mentioned and described in the preamble of this act have been in any manner paid or taken up by the state; and in case said scrip has been paid or taken up by the state, no certificate shall be issued as contemplated by the first section of this act.

Duty of governor and secretary.

§ 3. This act to be in force from and after its passage.  
APPROVED Feb. 15, 1855.

AN ACT to authorize certain commissioners to file a state road report in Kane county, and to open the road therein mentioned. In force Feb. 15, 1855.

WHEREAS Edward Eldridge, Horace Potter and Peleg T. Bliss, commissioners under section 17 of an act entitled "An act for the location of certain state roads there-

Preamble.

in named, and for the vacation of other state roads," approved March 1st, 1845, appointed to locate a state road from the steam mills, in Cook county, through Du Page and Kane counties, to the intersection of the Aurora and Dixon road, located the said road and filed or cause to be filed their report thereof, in the office of the clerk of the county commissioners' court in the counties of Cook, Du Page, Kane and De Kalb, respectively, in the fall of 1845; and whereas it is represented that the copy of said report, so filed in the counties of Kane, has become mislaid or lost; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall be the duty of the said commissioners above named, or a majority of them, without delay, to cause a copy, as near as may be, of their said report, to be made out and signed, and deliver the same to the clerk of the county of Kane, whose duty it shall be to file the same. Which report made and filed shall be valid and have the full force and effect of the said original report so lost or mislaid.

§ 2. The cost of making and filing such report shall be a charge against the county of Kane, to be audited and allowed by the board of supervisors of said county, at the rate allowed by the above recited act to said commissioners' surveyor, for their services under the first section of this act.

§ 3. It shall be the duty of the commissioners of highways of the town of Aurora, in said county, to cause the said state road running through said town to be opened and worked for public use, according to the original survey and location thereof, without delay.

APPROVED Feb. 15, 1855.

#### AN ACT to vacate a certain alley in the town of Rushville.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the alley situated on the north side of Washington street, dividing blocks two (2) and fifteen, (15,) in McCreery's addition to the town of Rushville, Schuyler county, Illinois, and running between the property occupied [by] R. Wells on the west, and by J. H. Myers on the east, in said town, be and is hereby vacated.

§ 2. This act to take effect from and after its passage.  
APPROVED Feb. 15, 1855.

AN ACT to authorise the sheriff of St. Clair county to collect a certain school tax therein named. In force Feb. 15, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the sheriff of St. Clair county shall collect with the taxes of the year 1854, in said county, the special school tax levied for the purpose of building a school house in school district No. two, in township two north, of range six west, in said county, in the year 1853, which was omitted to be levied and collected upon the south half of section seventeen, and the north half of section eighteen, and an eighty acre lot in section sixteen, in said district; the same to be levied and assessed upon such lands at the same rate and upon the valuation of said lands for that year; and that for the collection of the same he shall have the same powers and commissions as are exercised and had under the revenue laws of this state; and when so collected shall pay the same over to the treasurer of said school district. Sheriff to collect special tax.

§ 2. This act shall be in force from and after its passage.

APPROVED Feb. 15, 1855.

AN ACT to locate a state road from Kingston, in Adams county, to Matthew Moore's. In force Feb. 15, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Thomas C. Young, James Hazelwood and Henry Lile, of the county of Adams, be and they are hereby appointed commissioners to view, mark out and locate a state road from Kingston, in said county of Adams, to Matthew Moore's, to intersect the bottom road from Quincy, in Adams county, to Atlas, in Pike county, at or near the residence of said Moore, in township three south, range seven west. Commissioners.

§ 2. Said commissioners shall meet to perform the duty required of them by this act, or any two of them, between the first day of February, A. D. 1855, and the first day of January, A. D. 1856, and they be and are hereby authorised and empowered to employ a surveyor, and such other person or persons as they may think necessary and proper to be employed in and about the location of said road, and the per diem of said commissioners and the persons employed by them shall be paid by the supervisors' court of the county of Adams, and paid out of the county treasury. To take oath

§ 3. Said commissioners, after they shall have met and performed the duty herein required of them, shall File report.

make out a report in writing of their actings and doings in the premises, and shall file the same, together with a plat or survey of said road, with the clerk of the county court of the county of Adams, after which said road shall be opened and worked as other state roads.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

In Force Feb. 13,  
1855.

AN ACT to provide for the building of a school house therein named

Preamble.

WHEREAS the legal voters of school district No. 3, in township 6 south, range four west, in Pike county, having in pursuance of notice given by the school directors, met in said district, on the 6th day of May, 1854, and after having organised according to law, did, by vote, decide to levy a tax to build a school house, and fix a site for the same; therefore,

Duty of directors.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the school directors of said school district No. 3, in township six south, range four west, as aforesaid, be and they are hereby required to proceed, at as early a day as possible, to the erection of a school house at the centre of said district, in pursuance of the vote of said meeting of legal voters, and for that purpose are hereby required to expend the tax now in progress of collection, together with such other funds or labor as may be contributed in aid of the erection of said school house, towards the building and furnishing of the same.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 13, 1855.

In Force Feb. 6,  
1855.

AN ACT to make valid a school tax levied in school district No. one, in the town of Hall, county of Bureau, state of Illinois.

Proceeding legal-  
Ised.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That a school tax levied by the inhabitants, voters of school district No. one, in the town of Hall, county of Bureau, at a meeting held in the school house, in said district, on the first Saturday of May, A. D. 1854, be and the same is hereby

declared legal and valid, and shall be collected by law as other taxes are collected.

§. 2. This act to take effect from and after its passage.

APPROVED Feb. 6, 1855.

AN ACT for the relief of Englehart R. Clemens.

In force Feb. 14,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the said Englehart R. Clemens, of the county of Hancock, be and he is hereby restored to all the rights, privileges and capacities of a citizen of this state.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 14, 1855.

AN ACT for the relief of James S. Martin and others.

In force Feb. 14,  
1855.

WHEREAS James S. Martin and Benjamin F. Marshall did, on the seventh day of December, 1853, purchase the southeast fourth of the northeast fourth, and Thomas B. Lester did, on the same day, purchase the northeast fourth of the northeast fourth of section eighteen, in township two north, range one east, in Marion county, said lands being sold as state lands, and for which the parties aforesaid paid to the auditor at the rate of three dollars and a half per acre, amounting to the sum of two hundred and eighty dollars; and whereas it has been since ascertained that the state had no title to said land, and therefore cannot make good the sale to the said purchasers; and whereas the purchase money has not been withdrawn from the state; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor be authorised to transfer, in lieu of the lands aforesaid, to the said Martin and Marshall, the southeast fourth of the northeast fourth, and to the said Lester the northeast fourth of the northeast fourth of section twenty-one, in the township and range aforesaid.

§ 2. This act to be in force from and after its passage.

APPROVED Feb. 14, 1855.

In force Feb. 15, 1855. AN ACT to vacate a certain alley in the village of Sycamore, in De Kalb county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the alley, in block number (13) thirteen, in the village of Sycamore, in De Kalb county, be and the same is hereby vacated.*

§ 2. This act shall take effect from and after its passage.

APPROVED Feb. 15, 1855.

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In force Feb. 14, 1855. AN ACT to amend "An act to provide for leasing the land granted as a common to the inhabitants of the town of Prairie du Rocher, in Randolph county, for school purposes," approved February 8th, A. D. 1851.

Duty of trustees. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the president and trustees of the commons of Prairie du Rocher, be and they are hereby authorised to apply the proceeds which have now accrued and which may hereafter accrue from the leasing of the common lands of Prairie du Rocher, in due proportion to the number of white children under the age of twenty years, attending school, and residing in said town, and on the said commons of Prairie du Rocher, respectively, and that such proceeds be distributed by them on all schedules properly kept and certified according to the ordinances and by-laws of the aforesaid president and trustees of the commons of Prairie du Rocher.*

Acts repealed. § 2. That so much of said act, of which this is an amendment, which [as] empowers said president and trustees to establish not more than two elementary schools in the town of Prairie du Rocher, be and the same is hereby repealed..

§ 3. This act to take effect and be in force from and after its passage.

APPROVED Feb. 14, 1855.



## AN ACT for the relief of Jeremiah Strawn.

In force Feb. 3,  
1855.

WHEREAS Jeremiah Strawn did, on or about the 20th day of October, A. D. 1830, purchase of J. B. Campbell, treasurer of the board of commissioners of the Illinois and Michigan Canal, the northwest quarter, and the west half of the northeast quarter of section number nine (9,) in township thirty-three (33) north, of range number two (2) east, in the county of La Salle, and state of Illinois, and paid to said treasurer the sum of three hundred dollars, the full amount of the purchase money therefor; and whereas a deed was duly issued to said Strawn for said lands, executed by the then governor of the state, bearing date of October the 29th, A. D. 1831, and it appearing that said deed has been lost; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the governor be and he is hereby authorized to execute and deliver to the said Jeremiah Strawn a deed for the aforesaid lands. Governor to execute deed. ~~no~~

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 3d, 1855.

AN ACT to establish the county of Harrison, and for other purposes therein named

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all those portions of the counties of McLean, Champaign and Vermilion, lying within the following boundaries, to wit: Commencing at the northeast corner of section twenty-four, (24,) township twenty-five (25) north, range seven (7) east of the third principal meridian, and running thence west twelve miles to the northwest corner of section nineteen (19,) in township twenty-five (25) north, of range six (6) east of said meridian; thence south three miles to the township line between township twenty-four (24) and twenty-five (25) north, of range six east of said meridian; thence west, on township line, to the northwest corner of section two (2,) township twenty-four (24) north, of range four (4) east of the said third principal meridian; thence south, twenty miles, to the southwest corner of section eleven (11,) township twenty-one (21) north, of range four (4) east of said meridian; thence east twenty miles, to the southeast corner of sec-

New formed  
called  
son.  
county  
to be  
Harrison

Proviso.

tion twelve (12,) township twenty-one (21.) range seven (7) east; and thence north, on the range line, to the place of beginning, be and the same are hereby created into a new county, to be called the county of Harrison: *Provided*, that a majority of all the legal voters of each of said counties of McLean, Champaign and Vermilion, voting on the question, shall vote for the same in the manner hereinafter provided.

Voters to vote for or against organization.

§ 2. The qualified voters of said counties of McLean, Champaign and Vermilion, may, at the general election to be held on the first Monday of June next, for the election of judges of the circuit courts, vote for or against the organization of said new county of Harrison, by ballot, upon which shall be written or printed, or partly written and partly printed, "for the new county," or "against the new county."

County clerks to give notice.

§ 3. The county clerks of the counties of McLean, Champaign and Vermilion shall give notice of said election in the several election districts of said counties, in the same manner as notices of general or special elections are given, as nearly as may be; and the judges of election and the clerks of the said several election districts of said counties of McLean, Champaign and Vermilion shall keep a list of the votes polled at said election, and certify to and return the same to the clerks of the county courts of their respective counties, in the same manner as is provided for general elections. The said clerks shall, within seven days after said election, proceed to canvass the said vote in the same manner as in general elections; and the said clerk of McLean county court shall make return of the votes of said McLean county to James Miller and William H. Temple, of said county; and the clerk of the county court of Champaign county shall make return of the votes of said Champaign county to Elisha Harkness and Thompson Webber, of said county; and the clerk of the county court of Vermilion county shall make return of votes of said Vermilion county to Amos Williams, Alvin Gilbert, of said county, in each case within six days after the same have been canvassed; and each of said clerks shall also, within ten days, make return of said votes to the secretary of state.

Return of votes to secretary of state.

Special election to be held.

§ 4. If it shall be found that a majority of all the voters in each of said counties of McLean, Champaign and Vermilion, voting upon the question, have voted in favor of the organization of said new county of Harrison, then there shall be held a special election in the several towns and precincts within the limits in this act described, for said new county of Harrison, on the second Monday in July next, for county officers. Said election shall be conducted by the judges of election then holding office under appointment or election in the counties of McLean, Cham-

paing and Vermilion, and at the usual places of holding elections; at which election the qualified voters of said county of Harrison shall elect all county officers for said county, except such as are hereinafter exempted, who shall be commissioned and qualified in the same manner as such officers are in other counties in this state, and shall hold said offices until the next general election for such officers, and until their successors shall have been elected and qualified, and shall have all the jurisdiction and perform all the duties which are or may be conferred upon or required of similar officers in other counties of this state.

§ 5. All the justices of the peace, constables, or other officers who shall have been heretofore elected and qualified in the counties of McLean, Champaign and Vermilion, whose term of office shall not have expired at the time of said election, and whose place of residence shall be embraced within the limits of the said county of Harrison, shall continue to hold their said offices, and exercise the jurisdiction and perform the duties thereof until their term of office shall expire, and until their successors shall be elected and qualified, and only such additional justices and constables shall be elected as may be necessary to supply deficiencies.

Justices and other officers to hold their offices until they expire by law.

§ 6. For the purpose of fixing the permanent county seat of said county of Harrison, the voters of said county shall, at said election for county officers, vote for some place to be designated upon their ballots for a county seat; upon said ballots shall be written or printed, or partly written and partly printed "for county seat ——" After which words shall be written or printed the name of the place intended. The place receiving the majority of all the votes polled upon that question shall be the county seat of said Harrison county; but if no one place shall receive a majority of all the votes polled upon that question, then it shall be the duty of the county court of said county to call another election, within thirty days thereafter, at the several places of holding elections in said county; at which time the voters of said county shall select and vote for one of the two places having the highest number of votes on the former election, and the place having the majority of all the votes given shall be the permanent county seat of the said Harrison county.

County seat.

Duty of county court.

§ 7. Notice of said election for county officers shall be given by said James Miller, William H. Temple, Elisha Harkness, Thompson Webber, Amos Williams and Alvin Gilbert, or any two of them, in the same manner as notice of general elections are given by the clerks of the county courts. Said notices shall also specify that a vote will be taken on the location of the county seat.

Notice of election by whom given.

Return to whom made.

§ 8. Returns of such election shall be made to Ashley D. Hor, of Cherry's Grove, within five days after said election; and said Ashley D. Hor and any two justices of the peace of said county of Harrison, shall, within seven days after said election, proceed to open the poll books, and shall canvass and make return thereof in the same manner as is required of clerks and justices of the peace under existing laws.

H. H. H.

Notice to be given to the clerk of the court.

§ 9. All suits and prosecutions that may have been or may be commenced in said counties of McLean, Champaign and Vermilion, including all proceedings in the county courts of said counties, in matters of probate, before the organization of said county of Harrison, shall not be affected by this act; but all such suits, prosecutions and proceedings shall be prosecuted and conducted to their final termination in said counties of McLean, Champaign and Vermilion; and the officers of said counties of McLean, Champaign and Vermilion are hereby authorized to execute all writs that may be lawfully for the completion of the said suits and prosecutions, within the limits of said county of Harrison and all fragments of land may have heretofore been obtained, or that may hereafter be obtained under the provisions of this section, shall have the same lien upon all property within the limits of said county of Harrison as though the said territory had not been erected into a separate county.

Notice to be given to the clerk of the court.

§ 10. As soon as the county officers shall have been elected and qualified, the said county of Harrison shall be considered organized, and the clerks of the circuit court shall give notice to the judge of the eighth judicial circuit, who shall hold court at such place as shall be designated by the county court of said county, until the county seat is located as herein provided. Said circuit court shall be held at such time as said judge shall direct until otherwise provided by law.

County seat where located.

§ 11. The school funds of the several towns embraced within the limits of said county of Harrison shall be paid and delivered over by the school commissioners of the counties of McLean, Champaign and Vermilion to the school commissioners of the said county of Harrison as soon as he shall be elected and qualified.

School funds to be paid to the school commissioners of the said county of Harrison.

County seat where located.

§ 12. The county court of the said county of Harrison may, at any term, by an order, to be entered upon its records, appoint and commission a person a commissioner, for the purpose hereinafter expressed, who shall take an oath of office before the clerk of the county court or some justice of the peace of said county. Said county court shall, at the same time, provide a sufficient number of blank books, and deliver the same to said commissioner, who shall receipt for the same to the clerk of the county court.

§ 13. As soon as said books shall be delivered to said commissioner he shall record in each book a copy of the order of his appointment and of his oath of office, and shall thereupon proceed to transcribe into such book or books all such deeds, mortgages and title papers, of every description, with the acknowledgments and certificates relating thereto, of lands lying in the county of Harrison, which have been recorded, or may hereafter, before the organization of said county of Harrison, be recorded in the recorder's office of said counties of McLean, Clampaign and Vermilion, and there shall be allowed said commissioner such sum for his services for said work as shall seem just, to be paid out of the county treasury. Said commissioner shall note, at the end of each page by him transcribed, the book, page and county from which the same was transcribed, and shall make a correct index thereto.

§ 14. When said commissioner shall have completed his work he shall make return of the said books to the clerk of the circuit court of Harrison county, and they shall be taken and considered, to all intents and purposes, as books of record of deeds, mortgages and title papers for the county of Harrison; and copies in triplicate, certified by the recorder of said county, shall be sent to the clerk of the court and placed in the same manner as deeds and title papers, regularly recorded in the recorder's office are received, and with the same effect.

§ 15. The secretary of state shall forthwith furnish the county clerks of the counties of McLean, Clampaign and Vermilion with copies of this act, certified under the seal of the state.

§ 16. This act shall be in force from and after its passage.

APPROVED Feb. 14, 1855.

AN ACT for the relief of the heirs at law of Parmenus Redman, deceased. In force Feb. 15 1855.

WHEREAS on the twelfth day of March, A. D. 1838, Parmenus Redman conveyed, by deed, to the state of Illinois lots in Shawneetown, numbered eleven hundred and twenty-five and eleven hundred and seventy-six (1125 and 1176.) in consideration that the term of life of John Alton and Shawneetown Baptist Church should be upon those lots, and said record not having been completed, and the consideration for said conveyance having become failed, and the said Parmenus Redman having died during this life intestate, leaving him surviving of his only heirs at law

Sarah Ann, wife of Addison T. Posey, William A. Redman, Charles S. Redman, Mary J. Redman and Elizabeth E. Redman, his children; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of public accounts be and is hereby directed to issue his warrant upon the treasurer, in favor of said heirs, in the sum of three hundred and ten dollars.

§ 2. This act to take effect from and after its passage.  
APPROVED Feb. 15, 1855.

Duty of auditor.

IN force Feb. 15, 1855. AN ACT to locate and establish a public road from the city of La Salle to the north line of township thirty-eight north, in range one east of the third principal meridian.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That O. J. Gibbs and George Augustine, of La Salle county, and Isaac McFarland, of Lee county, be and they are hereby appointed commissioners to view, mark and locate a state road from La Salle, in La Salle county, to the north line of township No. thirty-eight north, in range one east of the third principal meridian.

Commissioners.

To take oath.

§ 2. The said commissioners, or any two of them, shall meet in the town of La Salle, on some day to be fixed by them, prior to the first day of September next, and before entering upon the duties assigned them by this act, shall take an oath before some justice of the peace of La Salle county faithfully to discharge the duties required of them by this act, and shall proceed to view, mark and locate said road four rods wide, on the nearest and most eligible route.

Make reports.

§ 3. Upon such location being made, the said commissioners, or any two of them, shall make a report of the same to the county courts in the counties in which said road shall be located, and said road thereupon be opened and kept in repair in the same manner that other state roads are; and said road is hereby declared to be a state road.

Compensation.

§ 4. The counties in which said road shall be located shall allow said commissioners, their surveyor and assistants, a reasonable compensation for their services, in proportion to the extent of said road in each of said counties.

APPROVED Feb 15, 1855.

## AN ACT to locate certain state roads in Marshall county.

In force Feb. 15,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That* Lewis Black, H. Sympson and William Lynn, are hereby appointed commissioners to locate a state road, commencing on the county line between Marshall and Woodford counties, at the northwest corner of section two, in township twenty-eight north, of range two west of the third principal meridian, and running thence east along said county line to the northeast corner of the northwest quarter of section three, in township twenty-eight, in range one west of the third principal meridian; thence south forty-six (46) rods; thence east one mile and a quarter, to a point on the line running north and south through the centre of the northeast quarter of section two, in township twenty-eight north, of range one west of the third principal meridian; thence south to the section line; thence east on the section lines to the Illinois Central Railroad; thence to Minunk station, on said road.

Commissioners.

§ 2. That David Myers, Allen Hunter and Asa Thompson are hereby appointed commissioners to locate a state road, commencing at the east end of Twelfth street, in the city of Lacon, or at the south east corner of the southeast quarter of the northwest quarter of section twenty-five, in township thirty north, of range three west, of the third principal meridian; thence easterly, on or near the half section line, to the bluff; thence northeasterly through the timber and barrens, to the centre of the southwest quarter of section twenty-two, township thirty north, of range two west of the third principal meridian; thence east three fourths of a mile; thence north eighty rods; thence east on the half section line one and three-fourths miles; thence northeasterly on track of old road, or near the same, to the southwest corner of Green Cullom's field; thence easterly on the most practicable route to the state road leading from Lacon to Magnolia, intersecting the same, at or near Stutter's school house.

Commissioners.

§ 3. Said commissioners shall meet at some place in Marshall county, within eight months, and after being duly sworn, proceed to locate said roads, and shall cause the same to be surveyed and platted, and shall cause a copy of the same to be filed with each of the town clerks of the townships in Marshall county through which the same passes; and shall also cause a copy of the plat and survey of the first named road to be filed with the clerk of the county court of Woodford county; and when the plats and surveys shall be filed as aforesaid, the same shall be and are declared public roads, four rods in width, and shall be opened and kept in repair by the legal authorities.

To take oath.

DOLLARS.

§ 4. The said commissioners shall, when they locate said roads, where damages are claimed by any owners of land through which the same pass, if they cannot agree with said owners as to the amount, proceed to assess said damage, and make return of said assessment with their plat and survey; and the owner of the land, or any person on behalf of the people of the townships, may take an appeal from said assessment of damages to the circuit court of said county, by filing a bond with the clerk of the circuit court of Marshall county, within twenty days after filing said plat, survey and assessment with the town clerk.

A. local

EX. 1855.

§ 5. The expenses of the first named road shall be paid equally by the county courts of the counties of Marshall and Woodford, and the expenses of the last named road shall be paid by the county court of Marshall county, which shall be divided equally amongst the townships through which said road runs.

§ 6. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 15th, 1855.

in on Feb. 15th,  
1855.

AN ACT for raising the trustees of schools of fractional township number 18 north, of range 1 west of the 4th principal meridian, to exchange certain lots for others, or to sell the same.

Pres. 1855.

WHEREAS David B. Sears and others did, in January, 4. D. 1847, convey by deeds of gift to the trustees of schools in fractional township eighteen north, of range 1 west of the fourth principal meridian, in Rock Island county, and state of Illinois, certain tracts of land, to wit: lots number one (1) and two (2.) in block number twenty-five (25) in the town of Moline, in the aforesaid county and state, in trust for the use and benefit of the inhabitants of the town of Moline, for school purposes (done;) and whereas said lot one and two are deemed unsuitable as a site for a school house, by reason of the location of the Chicago and Rock Island Railroad; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the trustees of schools in said township 18 north, of range 1 west of the 4th principal meridian, are hereby authorized to exchange said lots one and two for other lots or land, or to sell the same.

Trustees authorized  
to exchange  
lots.

Meeting of the  
legal voters of  
the town of Moline  
to be called.

§ 2. The trustees of the town of Moline, or their successors in office, shall call a meeting of the legal voters of the town of Moline, to be held on the first Monday



of April, 1855, at 2 o'clock, P. M., to vote for or against the proposed exchange or sale of said lots. The trustees of the town of Moline shall cause notices of said meeting to be posted up in five public places in said town, at least three weeks before said meeting. The legal voters so assembled shall appoint one of their number chairman, and one secretary of said meeting. The secretary shall keep a record of the proceedings of said meeting, and together with the chairman, shall certify to the same, and return such record certified to the clerk of the board of trustees of the town of Moline.

§ 3. Should a majority of the votes given at said meeting be in favor of the proposed exchange or sale, the clerk of the board of trustees of the town of Moline shall certify the same to trustees of schools in the aforesaid township; whereupon said trustees shall proceed to effect the proposed exchange or sale as the case may be, according to said vote and this act: *Provided*, that said trustees of schools shall give at least three weeks notice of the time and place of said sale by posting up notices in three public places in the town of Moline, and by publication in at least one newspaper published in Rock Island county: *And provided further*, that said trustees of schools shall, before making such sale, give bond, with security, in the penal sum of two thousand dollars, payable to the trustees of the town of Moline, for the use of the inhabitants of said town, for school purposes, for the faithful discharge of their duties under this act.

§ 4. Upon the sale of the lots one and two aforesaid, by the trustees of schools, they shall, with the proceeds of such sale, purchase other lots or lands in the town of Moline, conveniently situated and fitted for the location of a school house. The necessary expenses of said exchange or sale shall be paid out of the proceeds of such sale; and any surplus of proceeds remaining, after such exchange or purchase, shall be applied in making improvements upon the lots or land procured under the direction of said trustees.

§ 5. The aforesaid trustees of schools are hereby authorized to lease to the school directors in district number two, in said township 18 north, 1 west, said lots one and two, if not disposed of by exchange or sale; and if disposed of, any and all lots or lands obtained therefor upon such terms as may be agreed upon.

§ 6. The trustees of schools are hereby authorized to hire any sum of money, not exceeding three thousand dollars, and at a rate of interest not exceeding twelve per cent. per annum, and issue bonds for that purpose, in such manner as they may deem expedient: *Provided*, that upon the property in said school district number two shall

be levied annually, a special tax until the debt for money hired under this section, and the interest thereon, shall be paid.

Property to be assessed for school purposes.

§ 7. In case of hiring money under this act, the trustees of schools shall certify to the assessor of the county of Rock Island, on or before the first Monday of July of each and every year, the amount necessary to pay the yearly interest on the money hired, and the portion of the principal that will become due in the then current year; whereupon said assessor shall assess said amount upon the property liable to a tax for school purposes for said district number two.

Trustees to give bonds.

§ 8. Before hiring money, the trustees of schools shall give bonds in the sum of six thousand dollars, with good securities, to appropriate the money hired to the building and furnishing of a school house in and for said district number two, in township 18 north, 1 west, as aforesaid.

§ 9. This act to take effect and be in force from and after its passage.

APPROVED February 14, 1855.

In force Feb. 9, 1855. AN ACT to legalise the acts of Jefferson Dow and Arbela Adams, school trustees in township No. 19, R 4 E., in Whiteside county.

Acts legalised.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the acts of Arbela Adams and Jefferson Dow, as trustees of schools in township number nineteen north, of range number four east of the fourth P. M., in Whiteside county, in laying out into town lots, platting and selling the school addition to the town of Erie, in the aforesaid township and county, for the use of the inhabitants of school district number three, in said township, are hereby legalised, and the titles given to the purchasers by said trustees are hereby declared valid in law, and the money and securities obtained by the sale of said lots shall be deposited with the township treasurer, and loaned as other township school funds are loaned, and kept by the trustees of schools and their successors in office as a perpetual fund for the use of the inhabitants of the aforesaid district, for school purposes; and the interest arising from said fund shall be paid by the township treasurer on teachers' schedules, regularly certified to by the directors of the aforesaid district; and the township treasurer shall be required to give a separate bond, in the name of the trustees of schools of the township, for the use of the inhabitants of district number*

To give bond.

three, in said township, in the sum of two thousand dollars, with two or more securities, conditioned for the safe keeping of said money, to be deposited with and approved by the district directors. To be approved.

§ 2. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED Feb. 9, 1855.

AN ACT to establish and locate a state road from the town of Hamilton, in Hancock county, to the town of Marceline, in Adams county. In force Feb. 16, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Lewis Lanere, of Adams county, J. S. Jenifer and Robert Watt, of Hancock county, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at the intersection of Main and Second streets, in the town of Hamilton, in Hancock county, and run from thence on the most eligible and direct route to the centre of the north line of section five (5,) in township four (4) north, range eight (8) west, situated in Hancock county; thence south, on the most eligible and direct route, as near as circumstances will admit, to the centre of the section, to the centre of the south line of section thirty-two (32,) in said township and range; thence southerly, by the most eligible and direct route, to the Warsaw and Quincy road, at or near Marceline, in said county of Adams. Said commissioners to lay out and locate said road on the best ground, and as near the line indicated as the nature of the ground and interest of the public will permit, and make a plat and report thereof, and file the same in the office of the clerk of the county court of Hancock county; also, a duplicate thereof in the office of the clerk of the county court of Adams county. Said clerk shall record said report and plat, and said report and plat, or the record thereof, shall be evidence of the laying out and location of said road. Said commissioners shall meet and take an oath faithfully to perform their duties as such commissioners before the first day of June next. Such oath may be administered by any justice of the peace; and said commissioners, or a majority of them, shall make and file their report as aforesaid as soon as convenient for them after said meeting. Commissioners.  
To make report and plat.  
Evidence.  
To take oath.

§ 2. When said commissioners shall have viewed and located said road, and made and filed said plat and report thereof, and their duplicate thereof, as aforesaid, the said road so viewed and located shall from thence be and is hereby declared a state road. Public road.

Compensation.

§ 3. Said commissioners shall receive one dollar and fifty cents each for each day they are necessarily employed in viewing and locating said road and platting, and reporting the same, and may employ a surveyor, chairman, axemen and flagman to survey said route; and that the expense of surveying, viewing and locating said road shall be paid, one half by Hancock and the other half by Adams county; and this act shall take effect from and after its passage.

Commissioners of  
Highways.

§ 4. Nothing in this act contained, however, shall be so construed as to require or compel the commissioners of highways in the town or towns through which the road herein provided for passes, in the county of Adams, to open or work said road, unless they, in their judgment, deem that the wants of the community or the public interest demand the same.

APPROVED Feb. 15, 1855.

Enacted Feb. 9, AN ACT to legalise the public school tax of the city of Chicago for the year 1855.

Preamble.

WHEREAS by a certain act entitled "An act amendatory of an act entitled 'an act to reduce the law incorporating the city of Chicago, and the several acts amendatory thereof, into one act, and to amend the same,' approved February 23, 1854," section second of article first of chapter fifth of the act of which said act was an amendment, and which said section authorised the common council of said city "to annually levy and collect a school tax, not exceeding two mills on the dollar, on all real and personal estate, to meet the expenses of purchasing grounds for school houses, and building and repairing school houses, and supporting and maintaining schools," was, by mistake, inadvertently repealed; and whereas the common council of said city did, on the third day of October, A. D. 1854, pass an ordinance entitled "An ordinance levying taxes for the municipal year 1854," and did, in and by said ordinance, levy a tax of one and a half mills on the dollar, to meet the expenses of purchasing grounds for school houses, buildings, and repairing the same, and supporting and maintaining schools, and a large portion of said tax has been collected, and a portion thereof remains uncollected, and can only be realised by a sale of the property to which the same is chargeable; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That all* meetings of said city health-sec. and singular the acts and proceedings of the said city, its agents and officers, in levying, assessing and collecting the said tax, so ordered by the ordinance, are hereby declared to be as valid in law, and effectual to all intents and purposes, as though the said section of said law had not been repealed, and the said ordinance levying the said school tax had been legally passed.

§ 2. The said tax of one and a half mills on the dollar tax, confirmed and levied by said ordered by the said ordinance, for public school purposes, is hereby confirmed, established and made as legal and valid a tax, to all intents and purposes, as if the said clause in said act had not been repealed; and the said common council are hereby authorised to take the same proceedings for the collection of said tax as if the same had been legally levied by the said ordinance in the first instance; and all sales of land made or hereafter to be made to enforce the payment of said tax shall be as valid and effectual, to all intents and purposes, as if the said clause in said act had not been repealed, and the said tax had been legally ordered and levied by the said ordinance in the first instance.

§ 3. This act shall take effect from and after its passage.

APPROVED Feb. 9, 1855.

AN ACT to fix the times of holding the circuit courts in the sixteenth, in force Feb. 9, 1855.  
judicial circuit and to regulate the practice therein.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That there* Times of holding courts. shall be holden in the county of Peoria, in each year, six terms of the circuit court as follows, to wit: On the second Monday of February, on the first Monday of March, on the fourth Monday of April, on the second Monday of May, on the second Monday of September, and on the third Monday in November. That at the terms to be holden in the months of February, April and September, no causes on the civil docket shall be tried, and no business properly pertaining to causes on the civil docket shall be transacted by said court, but criminal business only. At the said last three terms, to be called criminal terms, and judges shall be elected and appointed, and all criminal causes heard and tried, and all business properly pertaining to any criminal causes shall be transacted and disposed of under the same rules and regulations as now

provided by law. At the other three terms mentioned in this section, no grand jury shall be selected or empaneled, nor shall any criminal cases be heard and tried, nor any criminal business properly pertaining to any criminal causes, be done or transacted by said court, but said court shall hear and try civil matters at law and in chancery only.

Processes.

§ 2. That all writs, subpoenas, recognizances and other processes or notices, in or pertaining to any criminal causes which may have been, or may be, issued out of, or made returnable to any term of the circuit court of said county of Peoria, as heretofore required by law, shall be deemed and taken to be returnable to the term first to be holden in said county under the provisions of this act.

Change of venue.

§ 3. Changes of venue in all criminal cases in the circuit courts of said county shall be granted for the causes now provided by law. In all applications for change of venue in criminal cases in said circuit, the applicant shall present his petition to the court, or to the judge thereof, in vacation, verified by affidavit, (reasonable notice of the intended application having been first given to district attorney of said circuit,) setting forth in said petition the belief of the applicant, that he or she cannot have a fair trial in the county where such case is pending, stating the particular facts and circumstances upon which such belief is founded; and the said court, or the judge thereof, in vacation, having heard such evidence as may be produced, and being satisfied of the truth of the petition, shall order a change of venue, to the next nearest county where the cause or causes complained of do not exist, and no other or further change of venue shall be allowed in such cases.

Judgments upon default.

§ 4. That in all suits at common law in the circuit courts of said circuit, where interlocutory judgments shall be given upon the default of any defendant, and the action is founded upon contract, whether such contract be in writing or otherwise, and the damages are unliquidated and do not rest in computation, the said court may, in its discretion, without the intervention or empanneling of jury, hear evidence, and assess damages, and enter final judgment therefor.

Judge may enter decrees in vacation.

§ 5. That the judge of said circuit shall have power, in vacation, to enter any final order or decree in any suit in chancery, in the county of Peoria, upon final hearing of any such cause; which order or decree shall have the same force and effect, and appeals shall be allowed, and writs of error may be prosecuted thereon in the same manner as if such decree or order had been made and entered at a regular term of said court.

§ 6. Writs of *habeas corpus*, allowed in said circuit in vacation, may be heard and determined by said court in term time, and such writs allowed by the court in term time, may be heard and determined by the judge in vacation, whenever justice and the rights of the parties shall require. Writs of *habeas corpus*.

§ 7. Nothing in this act contained shall be construed as to prohibit any person confined in jail in said circuit, on a charge of any criminal offence, from making application to the judge of said circuit to appoint a special term for the trial of such person; and the judge on such application shall appoint such special term as is now required by law. Special terms.

§ 8. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 9th, 1855.

AN ACT to change the time of holding courts in the fourteenth judicial circuit. In force Feb. 16, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That hereafter the circuit courts shall be holden at the respective county seats of the counties composing the fourteenth judicial circuit, at the times following, to wit: In the county of Jo Daviess on the third Monday in October, on the second Monday in March, on the third Monday in May, and on the third Monday in August. In the county of Stephenson on the first Monday in September, on the first Monday in December, and on the third Monday in April. In the county of Winnebago on the fourth of September, on the third Monday in February, and on the fourth Monday in April, in each and every year. Times of holding courts.

§ 2. All writs and process which may have been or may be issued and made returnable to the terms of courts in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to said terms of the courts, as required to be holden under this act; and all notices which may have been given, either by publication or otherwise, with reference to the terms as heretofore required to be held, and all proceedings pending in said courts, shall be taken up and disposed of as if no alteration had been made in the time of holding said courts. Process.

§ 3. All acts and parts of acts conflicting with the provisions of this act shall be and the same are hereby repealed. Acts repealed.

§ 4. This act to take effect and be in force from and after the first day of September next.

APPROVED Feb. 15, 1855.

In force Feb. 12, 1855. AN ACT to change the time of holding the circuit court in the county of Gallatin.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That hereafter the circuit courts for the county of Gallatin, in this state, shall be holden at the county seat thereof on the Monday following the terms of the circuit court in the county of Saline, as now fixed by law, and shall continue in session until the business of said court be disposed of.

§ 2. All writs, recognisances, subpoenas and other process which may have been or may be issued out of and made returnable to the next term of the circuit court, as heretofore required to be holden, shall be deemed and taken to be returnable to the next term of said court, as required to be holden under this act; and all notices which may have been or may be given, either by publication or otherwise, with reference to the next term of said court, as heretofore required to be holden, shall, by force of this act, refer to the next term of court as herein required to be holden; and all proceedings pending in said court shall be taken up and disposed of as if no alteration had been made in the terms of holding said court.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 12th, 1855.

In force Feb. 14, 1855. AN ACT to change the time of holding courts in the third judicial circuit.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the circuit court in the third judicial circuit, shall be begun and held at the times hereinafter mentioned, to wit: In the county of Hardin, at Elizabethtown, on the second Mondays in March and the fourth Mondays in August; in the county of Pope, at Goltconda, on the Mondays following; in the county of Johnson, at Vienna, on the Mondays following; in the county of Williamson, at Marion, on the Mondays following; in the county of Franklin, at Benton, on the Mondays following; in the county of Jackson, at Murphysboro, on the Mondays following; in the county of Union, at Jansboro, on the Mondays following; in the county of Alexander, at Elmore, on the Mondays following; in the county of Putnam, at North Caledonia, on the Mondays following; in the county of Massac, at Metropolis city, on the Mondays following.



§ 2. All indictments, recognizances and suits, either of common law or in chancery, shall stand for hearing at the times herein specified for holding court the same as though no change had taken place; and all writs and other process, civil or criminal, shall be and they are hereby made returnable the same as if there had been no change in the times of holding said courts; and all returns heretofore made, or that may hereafter be made, either according to this act or the acts hereby repealed, shall be taken to be returnable to the terms of court as hereby fixed, and shall be legal and valid in all respects as if no change had taken place. Process.

§ 3. All acts and parts of acts coming within the purview and in conflict with this act, be and the same be hereby repealed. Acts repealed.

§ 4. This shall take effect and be in force from and after the first day of July next.

APPROVED Feb. 14, 1855.

AN ACT to change the time of holding courts in the 17th judicial circuit. In force Feb. 14 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the time of holding courts in the seventeenth judicial circuit, hereafter shall be as follows, viz: In the county of Christian, on the first Mondays of April and September; in the county of Montgomery, on the first Mondays thereafter; in the county of Bond, on the first Mondays thereafter; in the county of Fayette, on the first Mondays thereafter; in the county of Effingham, on the first Mondays thereafter; in the county of Shelby, on the first Mondays thereafter; in the county of Moultrie, on the first Mondays thereafter; in the county of Piatt, on the first Mondays thereafter; and in the county of Macon, on the first Mondays thereafter.* Times of holding courts.

§ 2. All writs, subpoenas, recognizances, and other process which have been or may be issued and made returnable to the terms of the circuit court in said counties, as heretofore required to be holden, shall be deemed and taken to be returnable to the said terms of the circuit court in said counties, as herein required to be holden; and all notices which may have been given, either by publication or otherwise, with reference to the term, as heretofore required to be holden, shall by force of this act re-

fer to the term of the court required to be held under this act in said counties; and all proceedings pending in said courts shall be taken up and proceeded with as if no alteration had been made in the time of holding said courts.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 14, 1855.

In force Feb. 14, 1855. A BILL for an act fixing the times of holding courts in the sixth judicial circuit.

Times of holding courts.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the circuit courts of the several counties composing the sixth judicial circuit shall be holden at the county seats of the respective counties, at the times following, to wit:*

*Spring Term.*—Rock Island, on the third Monday of March; Henry, on the first Monday of April; Whiteside, on the second Monday of April; Lee, on the fourth Monday of April; Ogle, two weeks thereafter; Carroll, two weeks thereafter.

*Summer Term.*—Rock Island, on the second Monday of June. There shall be no grand jury at said summer term, unless in the opinion of the judge of said court it shall be necessary; in which case he shall issue his order to the sheriff of said county, requiring him to summon a grand jury to attend said term; and the sheriff shall execute and return to said court said order, and the persons so summoned shall be a grand jury for said term.

*Fall Term.*—Henry, on the first Monday of September; Whiteside, on the second Monday of September; Lee, on the fourth Monday of September; Ogle, two weeks thereafter; Carroll, two weeks thereafter; Rock Island, on Wednesday after the first Monday of November.

Process.

§ 2. All indictments, suits, causes, motions, recognizances and other proceedings, pending in said courts, shall stand for hearing, trial, judgment and disposition, at the terms of the court fixed by this act, in the same manner and with like effect as if no change had been made in the times of holding said courts. All recognizances, writs and process heretofore or hereafter to be entered into, issued or returnable to the terms of said courts, as heretofore required to be holden, shall be deemed and held to be returnable to the terms as fixed by this act. No right which any party, plaintiff or defendant, in any action of ejectment had by virtue of any law now in force to a new trial in such action, shall be prejudiced or in any manner taken

away by any change or alteration made by this act in the times of holding courts in any of the counties in said circuit, but new trials shall be granted at the spring or fall terms of said courts in all cases where parties would be entitled to new trials at the spring or fall terms of said courts, if the times of holding said terms had not been changed.

§ 3. The judge of said court may, when he shall deem it for the public interest, call a special term of the circuit court in any county of said circuit for the transaction of either criminal, chancery or common law business exclusively; and when a special term shall be called for doing chancery business exclusively, no jurors shall be summoned; and when called for the transaction of common law business exclusively, no grand jury shall be summoned to attend said terms. Special terms.

§ 4. This act shall take effect and be in force from and after its passage; and the secretary of state is directed to have the same printed, and to transmit without delay five copies thereof to the clerk of each circuit court in the sixth judicial circuit. Notice.

APPROVED Feb. 14th, 1855.

AN ACT to encourage the formation of county agricultural societies. In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That whenever the president and treasurer of any county agricultural society shall certify that the sum of (at least) fifty dollars has been collected, and is in the hands of the treasurer, for the use of said society, the treasurer of this state shall, when called upon for that purpose, pay to the said treasurer or fiscal agent or officer of said society, the sum of fifty dollars; and the receipt of said treasurer of such society therefor shall entitle the said treasurer of this state to a credit for that amount in the settlement of his account as such state treasurer.

Appropriation out of state treasury

§ 2. The said sum of fifty dollars, thus appropriated, shall be expended in the purchase of premiums, to be procured and distributed under the direction of said societies respectively, in the manner prescribed in the constitution, by laws, or other regulations of said societies. How to be expended.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 14, 1855.

In force Feb. 15, 1855. AN ACT to authorizing boards of supervisors of the several counties to dispose of certain real estate therein named and to confer upon them certain other powers.

Board of supervisors authorised to sell poor farm

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the boards of supervisors of the several counties in this state which have adopted township organization, be and they are hereby authorised and empowered to sell and dispose of the poor farms of their respective counties, at such times and on such terms as they may think proper; and upon said sale being made, and said premises being paid for, according to the terms and conditions of said sale, it shall be the duty of the chairman of the board of supervisors to make, execute and deliver to the purchaser or purchasers of said farm a good and sufficient deed therefor, in behalf of said county; which deed shall convey the interest of said county in and to said farm to the said purchaser or purchasers thereof.

Deed to be executed.

§ 2. All sales of the poor farms belonging to the several counties of this state heretofore made by the board of supervisors are hereby confirmed, and it shall be the duty of the chairman of said board to convey said property, by deed, as is provided for in the first section of this act.

Conveyance to be made for property previously sold.

§ 3. In all cases where any real estate has heretofore been sold by the board of supervisors of any county in this state acting under township organization, or by the county commissioners of any such counties acting previous to the adoption of township organization law, it shall be the duty of the chairman of the board of supervisors in any county where such sale or sales has been made, as aforesaid, to convey the same, by deed, in behalf of said county for which he may be acting, to the purchaser or purchasers of said real estate; which said deed shall convey the interest of said county in and to said real estate to the purchaser or purchasers thereof.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

In force Feb. 14, 1855. AN ACT to amend an act entitled "An act to amend the revenue laws and provide for the collection of the state taxes in the city of Quincy," approved June 23d, 1852.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the city of Quincy shall, on the first Monday of September

next, and annually thereafter, pay to the county of Adams the sum of eight hundred dollars, to reimburse said county for moneys advanced by her on account of said city's part of the court expenses of said county, anything in the tenth section of an act entitled "An act to amend the revenue laws and provide for the collection of state taxes in the city of Quincy," approved June 23d, 1852, to the contrary notwithstanding.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 14, 1855.

A BILL for a general act of incorporation of agricultural and horticultural societies and associations for improving the breeds of domestic animals. In force Feb. 15, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That whenever any number of persons, not less than ten, may be desirous of associating themselves together as a society for the promotion, advancement or improvement of agriculture or horticulture, or the breeding and rearing of domestic animals, under corporate rights and privileges, it shall be lawful for such persons, having first raised and actually having on hand for such purpose, in cash, a joint capital of not less than one hundred dollars, to make and subscribe for their government a constitution, in which shall be set forth the name of the society or association; but no person shall become a member of such society or association until he shall actually have paid into the treasury of such society or association at least one dollar.

Association how formed.

§ 2. The persons associated according to the provisions of section 1, or a majority of them, desiring corporate rights and privileges for their society or association, may meet at the county seat of the county in which a majority of said members reside, after having given at least three weeks' notice of such meeting, by advertisement set up in at least three public places in said county, and if there be a public newspaper printed and published in said county, then also by publishing said notice for three consecutive weeks in such newspaper. The members of such society or association, or a majority of them, shall at such meeting choose, by acclamation or otherwise, as a majority of such meeting may determine, a president *pro tempore*, and a secretary *pro tempore*. The meeting being thus organised shall elect a president, a vice president, a treasurer and a secretary of the society or association, whose duties shall respectively be such as the constitution and by-

Notice.

Officers.

laws of the society or the association shall assign to each, and who shall hold their offices respectively for one year, and until their successors shall be elected and enter upon the discharge of their duties. There shall also be elected at the same meeting a board of five directors, for the government and general direction of the society or association, and whose duties shall be such as may be prescribed by the constitution or by-laws of such society or association, not inconsistent with this act or with the laws of this state.

Proceedings to be  
recorded.

§ 3. The secretary *pro tempore* of said meeting shall keep a correct minute of the proceedings of said meeting, which being certified by said secretary and the president *pro tempore* of said meeting, shall, within five days after said meeting, be filed for record in the recorder's office of the county within which said meeting is by this act organized to be held; and it is hereby made the duty of the recorder to record said minutes and certificate in some book kept for recording deeds. A copy of the constitution of said society or association shall also be filed in said office, where the same shall be preserved for the inspection of the public. And whenever such constitution shall be altered or amended by such society or association, a copy of the altered or amended constitution shall also be filed in said office, to be there preserved in like manner. The recording officer, for recording and also for filing the documents by this act required to be respectively filed and recorded, shall be allowed the same fee as is now allowed by law for similar services; which fee shall be paid by the society or association. On filing in said office a certified copy of the proceedings of said meeting, and also a copy of the constitution of said society or association, in pursuance of this act, (the previous steps herein required having been properly taken,) the persons whose names [are then] subscribed to the constitution of said society or association, together with all others who after that time may become members of the same, shall become a body corporate and politic, by the name assumed and set forth in their said constitution, with perpetual succession; and by that name may have and use a common seal, may sue and be sued, answer and be answered in all the courts of this state, whether of law or equity; may sue for and collect all voluntary subscriptions or donations; and by that name may acquire and hold real estate, not exceeding in quantity five hundred acres; and may construct and erect all necessary improvements and buildings thereon for agricultural and horticultural experiments, and for rearing domestic animals, and for improving the breeds of the same, and for taming and improving and breeding of such animals as are com-

monly found wild; and for such purposes said society or association may have and employ capital, apparatus, implements, machinery and live stock, altogether not exceeding in value ten thousand dollars.

§ 4. Said society or association shall have power to make any alteration or amendment in its said constitution which experience may show to be requisite: *Provided*, that the name of said society or association set forth in its first constitution shall not be laid aside or altered, nor any other act done to delay or impair the rights of creditors or others having claims upon such society or association.

Power to make alterations or amendments.

§ 5. The whole capital stock of said corporation shall be divided into shares of not less than one dollar nor more than five dollars, to be fixed by the constitution; and at all elections to be held by said society or association each member of the same, or his personal representatives, shall be entitled to give one vote for each share held by him or her, and the voting may be in person or by proxy.

Capital stock.

§ 6. At the expiration of one year from the time of holding the first election herein provided for, a president, vice president, secretary, treasurer and directors shall be chosen by such society, on the same notice being given as is required in the second section of this act; but if from any cause an election shall not be held at the regular time, such omission shall not work any forfeiture of corporate rights and privileges.

Election.

§ 7. This act shall not be construed to confer banking powers or privileges on any society or association organised in accordance with its provisions.

§ 8. Shares in the stock of such society or association shall be regarded in law as personal property, and shall be transferable and assignable on the books of the association; and every person holding a share shall be regarded as a member of said association, and be entitled to give one vote for each share held by him or her.

Stock regarded as personal property.

§ 9. Until the whole capital stock of the society or association, including money, implements, apparatus, machinery, live stock and property of every description, whether real, personal or mixed, shall amount to ten thousand dollars, the profits, if any there be, arising from the operations and experiments of the society or association, shall not be divided among the stockholders, but shall accumulate as capital stock until the said capital shall reach the sum of ten thousand dollars; but after said capital stock shall have reached the sum of ten thousand dollars in value, then a dividend of profits shall from time to time be made among the stockholders, in proportion to the number of shares held by each: *Provided*, this section shall not be construed to restrain the society or association from offering or giving premiums to any amount which the society or association may think proper.

Dividends.

Power to dissolve  
association.

§ 10. Whenever a majority in interest of the shareholders shall desire to dissolve the society or association, and shall, at a regular annual meeting, vote for a dissolution of the same and for a division of the capital stock, the directors shall have power to sell all the property of the society or association; and after the payment of all existing debts, claims, demands and liabilities, to divide the residue of the proceeds of such sale among the several stockholders, according to the number of shares held by each; and said society or association shall thereupon be dissolved.

§ 11. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

AN ACT to authorise the location of a state road therein named,

Commissioners. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Israel S. Piper, Henry Walker, Samuel Davidson, Henry Nicolet and William Kellogg, be and they are hereby appointed commissioners to view and locate a state road, commencing on the east line of sections three and ten, and on the west line of sections two and eleven, in the town of Canton, Fulton county, to connect the Canton and Liverpool plank road with the road now traveled from the village of Farmington to the southwest corner of section thirty-five, in the town of Farmington, Fulton county.

Meet and take  
oath.

§ 2. That said commissioners, or a majority of them, shall meet at Canton, on or before the first day of July next after the passage of this act, or as soon thereafter as possible, and take an oath before some justice of the peace of Fulton county, well and truly to perform the duties required of them by this act.

Make and file plat

§ 3. When the commissioners shall have reviewed the said ground and shall have located said road between said places named, it shall be their duty to make out a plat of the road so located, which shall be filed in the clerk's office of the county of Fulton, as soon as practicable after the completion of the same; and the road so located is hereby declared to be a state road.

To be evidence.

§ 4. The said plat shall be evidence hereafter in all courts of record in this state; and it shall be the duty of the clerk of the county court of Fulton county to record

Plat to be recorded.

said plat on the record of his office; and the county judge



of Fulton county shall allow the said commissioners and clerk a reasonable compensation for the services required by this act.

§ 5. That this act shall take effect from and after its passage.

APPROVED Feb. 14, 1855.

AN ACT to vacate a part of a state road therein named.

In force Feb. 14,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of a state road as lies on section two, in township No. three north, of range No. nine east, known as the Shelbyville and Palestine state road, be and the same is hereby vacated from and after the passage of this act.

APPROVED Feb. 14, 1855.

AN ACT entitled an act to preserve the game in the state of Illinois. In force Feb. 15,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall be unlawful for any person to kill, ensnare or trap any deer, fawn, wild turkey, grouse, prairie hen or chicken, or quail, between the fifteenth day of January and the first day of August of each and every year. Unlawful to kill.

§ 2. That it shall be unlawful for any person to buy, sell, or have in possession, any of the above mentioned animals or birds, which shall have been killed, ensnared, trapped, or taken between the first day of January and the said first day of August of each and every year as aforesaid, and that the having or being in possession of any of the above mentioned animals, or birds, aforesaid, by any person or persons, between the said first day of January and the first day of August, as aforesaid, shall be deemed and taken as *prima facie* evidence that the same was ensnared, trapped or killed by the person having possession of the same, in violation of the provisions of this act. Unlawful to buy or sell.

§ 3. Any person who shall go upon the premises of any person or persons, or corporation, whether the same be enclosed or not, with intention to hunt, or to be found hunting, entrapping or ensnaring any of the above mentioned animals or birds, at or within the time aforesaid, he Gulity of trespass in certain cases.

shall be deemed guilty of trespass, and may be prosecuted before any justice of the peace of the county wherein the said premises may lie, by the owner or person in possession of the same, in an action of trespass, and fined in any sum not less than five nor more than twenty dollars, to go to the owner or occupant of said premises: *Provided however*, that a judgment obtained against any person for a violation of this act under the fourth section thereof, shall be a bar to any suit under the third section of this act.

Penalty.

§ 4. Any person who shall wilfully violate any of the provisions of this act, shall forfeit and pay a fine of fifteen dollars for each deer or fawn thus killed, ensnared, entrapped, bought, sold, or held in possession, and for any other wild game, animals, or bird above enumerated, either killed, ensnared, entrapped, bought, sold or held in possession, as aforesaid, the sum of five dollars shall be paid, to be sued for and recovered before any justice of the peace of the county in which the act shall have been violated, in an action of debt, or before any court having jurisdiction thereof; one half of said penalty shall go to the complainant and the other half to the school trustees of the township in which the act shall have been violated, to be added to the school fund of said township; the action to be brought in the name of the said county.

Counties exempted from its provisions.

§ 5. *Provided*, that nothing in this act shall apply to the counties of White, Wabash, Clay, Richland, Jasper, Lawrence, Crawford, Clark, Edgar, Coles, Moultrie, Effingham, Fayette, Bond, Cass, Menard, Pike, Schuyler, Brown, Scott, Washington, Jefferson, Marion, Hamilton, Clinton, Jackson, Johnson, Williamson, Gallatin, Saline, Franklin, Wayne, Edwards, McDonough, Alexander, Pulaski, Union, Hardin, Massac, Warren, Henderson, Monroe, Perry, Shelby, Cumberland, Jersey, Calhoun and Randolph, Pope, McLean, Knox, Fulton, Hancock, Adams, Stark, Vermilion, Montgomery and Christian.

§ 6. This act shall be in force from and after its passage.

APPROVED Feb. 15, 1855.

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In force Feb. 15, 1855. AN ACT to amend chapter 36 of the Revised Statutes of 1845, entitled 'Ejectment.'

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That it shall not be necessary in trials of actions of ejectment, when it shall appear by the return that the defendant or

defendants were in possession of the premises at the time when suit was brought, for the plaintiff to prove that said defendant or defendants were in possession at the time of bringing such suit, unless the defendant or defendants shall, by special plea, deny that he, she or they were in possession; and that the plea of not guilty shall not put in issue the possession of said premises.

§ 2. *Be it further enacted*, that so much of chapter 36 of the Revised Statutes of 1845, entitled 'Ejectment,' as is repugnant to the provisions of this act, be and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

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AN ACT to extend the jurisdiction of justices of the peace.

In force Feb. 15,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the jurisdiction of justices of the peace be and the same is hereby extended so as to include all actions for trespass upon real estate, where the sum claimed does not exceed one hundred dollars.

APPROVED Feb. 15, 1855.

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AN ACT to cede jurisdiction over lands occupied by the United States for light houses, custom houses, and for other purposes.

In force Feb. 13,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That exclusive jurisdiction and legislation is hereby granted and ceded to the United States of America over land situate in the southeast corner of block one hundred and nineteen, in the school section addition to the town of Chicago, being one hundred and twenty feet fronting on Monroe street, and running north one hundred and forty feet the same width, and fronting one hundred and forty feet, on a forty foot street taken off from the west side of block one hundred and forty-two, in the aforesaid school section, called Dearborn street, which tract of land has been selected by the United States as a site for a building or buildings, to be occupied for a post office, custom house, United States' court rooms, and steamboat inspector's

Jurisdiction ceded to United States.

office; and the right of taxation or assessment of said tract is hereby relinquished to the United States.

§ 2. *Be it further enacted*, That in case the United States shall at any time desire to make a change in the location of the building or buildings recited in the first section of this act, then and in that case the like jurisdiction and relinquishment from taxation and assessment, as is provided for in the first section of this act, shall be granted over any land, not exceeding in area the land described in the first section of this act, upon the filing of a description of the same, with the design of such appropriation, by the United States district attorney, in the office of the recorder of the county of Cook.

Jurisdiction limited to five acres

§ 3. *Be it further enacted*, That the provisions of an act entitled "An act to cede jurisdiction over lands to be occupied as sites of light houses within this state," approved January 11, 1849, shall apply to such lands or lots, not exceeding five acres in any one place, as may be selected, purchased or otherwise obtained, to be occupied by the United States, within this state, for light houses, beacon lights and temporary lights, at or near Port Clinton, at or near Taylorport, and at or near Waukegan.

Street vacated.

§ 4. *Be it further enacted*, That so much of the street called Lake street, in the town of Port Clinton, as interferes with the erection of the light house at that point, on the ground already selected, is hereby vacated.

Damages.

§ 5. *Be it further enacted*, That in case of failure of the United States to agree with the owner or owners of any such lands as the United States may deem necessary to occupy for light houses within this state, it shall be lawful for the United States to apply for the condemnation of such land, not exceeding five acres in any one place, by petition to any judge of a court of record of this state, in or nearest to the county where the land may be situated, either in term time or vacation, notice of the time and place of such application having been first duly given by publication for thirty days prior to the day of such application, in some newspaper published in the county where the land lies, or by personal service upon the owner or owners of such land, at least twenty days prior to such application; and thereupon it shall be lawful for the said judge to appoint three disinterested freeholders of the county where such land lies, as commissioners, and having been first duly sworn to well and truly appraise the damages due the owner or owners of said land so proposed to be taken, shall report in writing such damages to the said judge, the amount of damages to be paid to the owner or owners of said land; which report, upon confirmation by said judge, shall be held final and binding upon such owner or owners; and upon the amount of such

damages being paid to the owner or owners of said land, the title of such land shall vest in the United States, and exclusive jurisdiction and right of assessment and taxation is hereby ceded to the United States over any lands acquired by this method of condemnation, or by acquirement of the owner or owners thereof; and the right of taxation and assessment is hereby relinquished over any and all lands acquired in the manner prescribed in this section, and over the buildings or property of the United States situated thereon.

§ 6. *Be it further enacted*, That this act shall not be construed in such a manner as to debar or hinder the process of any court or judge of this state from running within the boundaries of the land so acquired by the United States, or to continue the authority of the United States over any part of such land for any longer time than the said lands shall be used for the purposes aforesaid.

APPROVED Feb. 13, 1855.

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AN ACT for the settlement of an account of the trustees of the State Bank of Illinois. In force Feb. 15, 1855.

WHEREAS on the 7th day of April, 1851, the trustees of the State Bank of Illinois, in accordance with the provisions of "An act authorising the refunding of the state debt," surrendered to the governor, to be refunded, state principal bonds and scrip to the amount of thirty thousand seven hundred dollars and seventy cents (\$30,700 70,) on which state bonds and scrip a dividend of seventy per cent., or thereabouts, had been obtained on the 1st day of January, A. D. 1851, under the fifteenth article of the constitution; and whereas in refunding these bonds and scrip the new bonds for principal and interest were dated 1st July, 1847, and the bonds for principal were issued only for the thirty per cent. remaining unpaid on the old bonds, and the interest bonds were issued only for the interest due up to the said 1st July, 1847; and whereas by this process the interest due on the seventy per cent. of the bonds from the said 1st day of July, 1847, until the time of their being refunded, is lost sight of, and the trustees have no voucher or evidence thereof, although the same is justly due to them; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the governor be required and authorised to issue to the said trustee bonds.

tees of the State Bank of Illinois interest bonds of the kind provided for in the second section of "An act to authorise the refunding of the state debt," approved 28th February, 1847, for the sum of four thousand five hundred and thirty-eight dollars and seventy-nine cents, or such sum, not exceeding this amount, as he shall find to be justly due them on the bonds and scrip refunded as above stated.

APPROVED Feb. 15, 1855.

In force Feb. 15,  
1855.

AN ACT to repeal certain portions of acts therein named.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of an act to improve the navigation of Embarrass river, approved February 27th, 1847, as relates and applies to Lawrence, Crawford and Jasper counties, as also section three of an act supplemental to an act entitled "An act to levee and make certain improvements on the Wabash river," approved February 18th, 1847, relating to boundary lines, be and the same are hereby repealed.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

In force Feb. 15,  
1855.

AN ACT to pay the engrossing and enrolling clerks of the senate and house of representatives and their assistants.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the sum of six dollars per day each be allowed to the engrossing and enrolling clerks of the Senate and House of Representatives and each of their assistants, for each day they have been engaged during the present session of the General Assembly. The names and time employed of each assistant to be certified by the principal clerks, enrolling and engrossing, of each house; and that the auditor be authorised to draw his warrant on the treasury for the payment of the same out of any moneys not otherwise appropriated.

§ 2. This act to be in force from and after its passage.

APPROVED Feb. 15, 1855.

AN ACT making appropriations for the pay of the officers and members of the general assembly, and for the salary of the officers of the government from the end of the present session until the adjournment of the next regular session of the general assembly.

In force Feb. 15,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the following appropriations be and the same are hereby made to members and officers of this present and next general assembly and for the salaries of the officers of the government until the adjournment of the next regular session thereof:

Appropriations.

1st. To the speaker of the senate and house of representatives, each, the sum of three dollars per day for the first forty-two days' attendance, and two dollars per day for each day's attendance thereafter.

Speaker of senate  
and House of  
representatives.

2d. To each member of the senate and house of representatives, the sum of two dollars per day for the first forty-two days' attendance, and one dollar per day for each day's attendance thereafter.

Senators and  
Representatives

3d. There shall be allowed to each of the members of the general assembly, including the speakers of both houses, ten cents per mile for each necessary mile's travel in going to and returning from the seat of government.

Mileage.

4th. There shall be allowed to the secretary and assistant secretaries of the senate, and to the clerk and assistant clerks of the house of representatives, each, the sum of six dollars per day, the number of days of the assistants of each house to be certified to by the principals of the respective houses.

Secretary, clerk  
and assistants.

5th. To the sergeant-at-arms and assistant sergeant-at-arms of the senate, and to the doorkeeper and assistant doorkeeper of the house of representatives, the sum of five dollars per day.

Sergeant-at-  
arms, door keep-  
ers and assist-  
ants.

6th. To the enrolling and engrossing clerks of the senate and house of representatives, each, the sum of four dollars per day.

Enrolling and en-  
grossing clerk.

7th. To the assistant enrolling and engrossing clerks of the senate and house of representatives, each, the sum four dollars per day.

Assistants.

8th. And the compensation hereby allowed to each of the officers and members of the general assembly shall be certified by the speakers of the respective houses, and entered on the journals and published at the close of the session: *Provided*, that the compensation of the speaker of the senate shall be certified by the secretary thereof, and the compensation of the speaker of the house shall be certified by the clerk of the house, and entered on the journals and published as aforesaid; which said certificates, when made and signed as aforesaid, shall be sufficient evidence to the auditor of each person's claim respectively, who shall issue his warrant on the treasury for the amount

Compensation  
how certified.

Proviso.

to which each person shall be entitled as aforesaid, to be paid out of any moneys not otherwise appropriated.

Appropriations  
for salaries.

§ 2. The following sums are hereby appropriated for the salaries of the officers hereinafter mentioned, until the adjournment of the next regular session of the legislature as aforesaid :

Governor.

1st. To the governor, at the rate of fifteen hundred dollars per annum.

Auditor.

2d. To the auditor of public accounts, at the rate of one thousand dollars per annum, exclusive of clerk hire ; and to said auditor at the rate of two thousand eight hundred dollars for clerk hire.

Treasurer.

3d. To the state treasurer, at the rate of eight hundred dollars per annum, exclusive of clerk hire, and to said treasurer, at the rate of six hundred dollars per annum for clerk hire.

Secretary of state

4th. To the secretary of state, at the rate of eight hundred dollars per annum, exclusive of clerk hire, and to the said secretary of state, at the rate of five hundred dollars per annum for clerk hire.

Judges of su-  
preme court.

5th. To each of the judges of the supreme court of the state, at the rate of twelve hundred dollars per annum.

Circuit judges.

6th. To each of the judges of the circuit courts of the state, at the rate of one thousand dollars per annum.

7th. To each of the prosecuting attorneys of the state, at the rate of five hundred dollars per annum.

Inspectors of  
penitentiary.

8th. To each of the inspectors of the penitentiary, at the rate of one dollar and fifty cents per day : *Provided*, that the same shall not exceed to each the sum of one hundred dollars per annum.

Porter to the state  
house.

9th. To the porters to the state offices, at the rate of one dollar and fifty cents per day, and to the assistant porters for services during the present session, one dollar and fifty cents per day, for the time necessarily employed, to be certified by the secretary of state.

Fund commis-  
sioner's secreta-  
ry.

10th. To the secretary employed in the fund commissioner's office, at the rate of one thousand dollars per annum, to be employed no longer than is necessary in the opinion of the governor.

Judge of Cook  
county court.

11th. To the judge of the Cook county court, created by an act approved the twenty-first day of February, one thousand eight hundred and forty-five, at the rate of six hundred dollars per annum.

Prosecuting at-  
torney.

12th. To the prosecuting attorney of the said Cook county court, at the rate of two hundred and fifty dollars per annum.

Extra clerks.

13th. To extra assistants employed by the engrossing and enrolling clerk of the senate, and the enrolling and engrossing clerks of the house of representatives, each,



the sum of four dollars per day, for the time actually employed, to be certified by the principal clerk.

And it shall be the duty of the auditor of public accounts to issue his warrant on the treasurer, for quarterly payments, to the foregoing named state officers.

Auditor to issue warrants.

To each of the bank commissioners, the sum of five dollars per day, for the time actually employed as such commissioners, and ten cents per mile for every necessary mile's travel in the discharge of their duties as such commissioners. The said commissioners to exhibit their accounts to the governor, and when approved by him, to be paid out of the state treasury.

Bank commissioners.

To the superintendent of public instruction, at the rate of fifteen hundred dollars per annum.

Superintendent of public instruction.

To each member of the joint committee appointed to visit the state institutions at Jacksonville, the sum of two dollars per day, while they shall be necessarily engaged in such duty, and ten cents per mile for each mile's necessary travel; the number of days and the number of miles of travel to be certified by the chairman of said committee.

Committee to visit state institutions.

This act to take effect from and after its passage.

APPROVED Feb. 14, 1855.

#### AN ACT to amend the general plank road law.

In force Feb. 12, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That whenever it shall be necessary for the construction of any railroad on the line of any plank road now constructed or hereafter to be constructed by any company, organized under the provisions of said law, said plank road company are hereby authorised to negotiate and transfer such plank road to said railroad company, upon the conditions following: That before said transfer shall be made, the vote of a majority of the stockholders shall be given in favor of such transfer, and further, that the consent of the county court of the county in which said plank road is situated, or board of supervisors, shall first (be) granted, and entered upon the records of said court.

§ 2. This act to take effect from and after its passage.

APPROVED Feb. 12, 1855.

In force Feb. 15, 1855. AN ACT to amend an act approved March 4th, 1854, in relation to swamp lands.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That no lands heretofore entered at any land office in this state, and which may have been selected as swamp or overflowed lands, lying within six miles of the line of the "Illinois Central Railroad," shall be sold by the county authorities of the counties in which the same shall be situated, till said selection shall have been approved by the secretary of the interior, or other proper officer of the general government, and so certified by the auditor of public accounts, in the manner now provided by law.*

§ 2. This act to take effect from and after its passage.  
APPROVED Feb. 15, 1855.

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In force Jan. 16, 1855. AN ACT to amend an act entitled "An act to regulate the practice of the circuit court of Cook county, and the Cook county court of common pleas."

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That so much of the first section of an act entitled "An act to regulate the practice of the circuit court of Cook county, and the Cook county court of common pleas," approved February the 12th, 1853, as provides that a term of said Cook county court of common pleas shall be held on the first Monday of March, be and the same is hereby repealed.*

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Jan. 16, 1855.

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In force Feb. 14, 1855.

AN ACT in relation to the penitentiary.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the inspectors of the penitentiary be and they are hereby authorised to contract, without delay, for the erection and completion of one hundred and fifty cells, in addition to said penitentiary, to be built of cut stone, and finished in every particular in the same manner as those last built, and to cause the same to be covered with a good tin roof,*

Inspectors to make addition to penitentiary.

thoroughly painted ; and also, to cause the old roof to be taken off of the main prison building and warden's house, and cause them also to be covered with a good tin roof and thoroughly painted.

§ 2. The inspectors of the penitentiary are also authorised to purchase a lot of ground, in some convenient place, without the limits of the city of Alton, not to exceed two acres, to be used by the penitentiary as a burial place for the convicts that die : *Provided*, that said ground shall not cost to exceed three hundred dollars.

Purchase ground for cemetery.

§ 3. The auditor of public accounts is hereby directed to draw his warrant on the treasurer, payable to the order of the inspectors of the penitentiary, for such sum or sums, and in such installments as the said inspectors may order, in payment for the improvements provided for in sections one and two of this act, which, when completed, shall not cost to exceed the sum of thirty-five thousand dollars, payable out of any money in the treasury not otherwise appropriated by law.

Duty of auditor.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 14, 1855.

#### AN ACT concerning inferior courts in the cities.

In force Feb. 16, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the inferior courts, now or which may hereafter be established, in the cities in this state, shall have concurrent jurisdiction with the circuit courts in all civil and criminal cases, except in cases of murder and treason, any law now in force to the contrary notwithstanding ; and the rules of practice in such inferior courts shall conform as near as may be to the rules of practice in the circuit court of the county in which the particular inferior court may be established : *Provided*, that this act shall not be held, in any way, to interfere with the act approved February 27th, 1854, providing for police magistrate's courts.

Inferior courts to have concurrent jurisdiction with circuit courts.

Provide.

§ 2. That in all cases where any suit, either at law or in chancery, shall be commenced in the recorder's court of the city of Chicago, and the amount in controversy shall exceed one hundred dollars, and the defendant or defendants, or either of them, or his, her or their attorney, shall at any time before final trial therein, file in said court a written request to have such suit transferred to either

Cas. to be transferred.

the circuit court of Cook county, or to the Cook county court of common pleas, all further proceedings in said recorder's court, shall thereupon cease; and said suit shall be transferred agreeable to said request, and in the manner now required by law in cases of change of venue.

Writs of *ne exeat* and injunctions.

§ 3. That neither the said recorder's court, nor the judge thereof, shall grant any writ of *ne exeat*, injunction or other writ or process, which said court or judge shall have power to issue in civil cases, excepting original writs of summons, capias, and attachment, and attachments in cases of contempt, unless the person against whom such writ is granted shall have had ten days notice in writing, the time and place of making application for such writ.

Causes transferred upon application.

§ 4. That in all cases when any application shall be made to said recorder's court of the city of Chicago, or to the judge thereof, for any writ of *ne exeat*, injunction or other writ or process, except as excepted in the second section of this act, and the person or persons or either of them against whom such application shall be made, or his, her or their attorney shall, in writing, filed with said recorder's court or judge, request a transfer of such application to the circuit court of Cook county, or to the Cook county court of common pleas, all further proceedings upon such application before said recorder's court, or the judge thereof, shall be thereupon suspended; and the said application and all papers connected therewith, shall be transmitted to said circuit court of Cook county, or to the Cook county court of common pleas, as the person making said request shall desire; and if neither of said courts shall be in session, then to either judge of said courts, as the party making such request shall desire.

§ 5. This act shall be in force from and after its passage.

APPROVED Feb. 15, 1855.

In force Feb. 16, 1855. AN ACT to amend an act entitled "An act to dispose of the swamp and overflowed lands, and to pay the expenses of selecting and surveying the same," approved June the 22d, 1852.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That whenever it shall appear by a special report made in writing by the drainage commissioner to the county commissioners' court of Jersey county, that the lands lying in the county of Jersey, granted to the said county by the act to which this is an amendment, are not susceptible of improvement by drainage or embankment, by the expenditure of the*

proceeds arising from the sales of the same, the said county courts may order the said lands sold as they may direct, and in such tracts and subdivisions as said court may deem expedient, and the money arising from such sales shall constitute a part of the school fund in each township in said county, and shall be divided equally between them.

§ 2. This act to take effect from and after its passage.  
APPROVED Feb. 15, 1855.

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AN ACT to amend chapter ten of the Revised Statutes, entitled "Attachment of boats and vessels." In force Feb. 9, 1855.

[SECTION 1.] *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the time limited in the sixth section of such act for the enforcement of liens created by it, be changed so that the same shall be nine months, instead of three, as therein provided.

[§ 2.] This act shall be in force and take effect from and after its passage.

APPROVED Feb. 9, 1855.

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AN ACT to alter the tenth judicial circuit and fix the times of holding courts therein. In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the tenth judicial circuit shall hereafter be composed of the counties of Fulton, Mercer, Henderson, Warren and Knox, and the circuit courts in the several counties thereof shall be held as follows, to wit: In the county of Fulton, on the second Monday of February, third Monday of May and second Monday of October. In the county of Mercer, on the last Monday of March and first Monday of September. In the county of Henderson, on the first Monday of April and the second Monday of September. In the county of Warren, on the second Monday of April and the third Monday of September; and in the county of Knox, on the fourth Monday of April and the fourth Monday of September, in each and every year.

§ 2. All indictments, recognizances, writs and notices, either in criminal, common law or chancery cases, in the

said several courts, shall be taken for, and returnable to, and stand for disposition at the several terms as herein provided for, as if no change had been made by this act; to be treated as if set for and returnable to the terms provided by this act, which correspond to the terms as before provided by law.

Laws repealed.

§ 3. All laws and parts of laws coming within the purview of and in conflict with this act are hereby repealed.

Duty of secretary

§ 4. It shall be the duty of the secretary of state to make, copy and certify, and transmit by mail, this act, to the circuit clerks of the several counties in said circuit, upon the passage hereof.

§ 5. This act to be in force from and after its passage.

APPROVED Feb. 14, 1855.

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In force Feb. 12,  
1855.

AN ACT to amend an act entitled "An act to dispose of the swamp and overflowed lands, and to pay the expenses of selling the same," passed 22d of June, A. D. 1852.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the 13th section of said act as provides for the drainage of swamp land in the counties of Lawrence, Richland, Clay and Jasper, be and the same is hereby repealed, and that the funds arising from the sale of swamp and overflowed lands, sold or to be sold in said counties, be paid by the drainage commissioners of said counties, under an order of the county commissioners' court of said counties, to such persons and for such uses and purposes as the said several courts may direct

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 12, 1855.

---

In force Feb. 14,  
1855.

AN ACT to provide for the building of a state arsenal.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the sum of seven thousand dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to be expended by the governor in the purchase of a suitable piece of ground, in or near the city of Springfield, and building thereon an arsenal for the safe

keeping and preservation of the state arms : *Provided*, the plan of said house shall be so fixed that this appropriation shall cover the whole expense thereof.

APPROVED Feb. 14, 1855.

AN ACT to provide for taking the census.

In force Feb. 15,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the enumeration of the inhabitants of this state for the year 1855 shall be taken in conformity with the provisions of the 19th chapter of the revised laws of 1845, except that in counties having adopted the township organization, the board of supervisors shall appoint the commissioner, whose duty it shall be to take the enumeration of the inhabitants of this state, and except, also, that the list of property provided for in the second section of said act shall not include the value of grain raised last year; and also, that the said commissioner appointed to take the census shall have the right to appoint one or more deputies under them, who shall take the same oath and perform the same duties as their principals : *Provided*, the county judge shall have the power of appointing the persons to take the census for the county of Adams, Hancock and Henry.

Commissioners to  
be appointed.

Proviso.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

AN ACT to declare a certain road in Hardin county a state road.

In force Feb. 13,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That the road from the Ohio river, opposite Weston, in Kentucky, to where it intersects the Equality and Cave-in-Rock road, known as the old "Flynn's Ferry Road," is hereby declared a state road, and shall be kept in repair as other state roads.

§ 2. This act shall be in force from and after its passage.

APPROVED Feb. 13, 1855.

In force Feb. 15,  
1855.

AN ACT to locate and establish a state road therein named.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That A. J. Percy, Alexander McClelland and Francis Agnew be and they are hereby appointed a board of commissioners to view and locate a state road from Centralia, in section 18, T. 1 N., R. 1 E., in Marion county; thence northwardly, on the most practicable and direct route, to Central City, in said county; thence north, to a point on the state road leading to Vincennes, Indiana, at or near the crossing of the Ohio and Mississippi Railroad of the Chicago Branch of the Illinois Central Railroad, with a branch diverging to Sandoval, at or near the residence of Alexander McClelland, in said county of Marion.*

To make report.

§ 2. The commissioners hereby appointed shall report their view and survey of said road to the county court of Marion county; and all damages arising under this act shall be assessed as now provided by law; which report, if approved by the said board of commissioners, shall be recorded by the clerk of said court; and thereafter said road shall be opened and established as a public highway.

§ 3. This act shall be in force and take effect from and after its passage.

APPROVED Feb. 15, 1855.

In force Feb. 15, 1855. AN ACT for the relief of John C. Moses, late sheriff of Brown county, and his securities.

Time extended  
for payment of  
judgment.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That a judgment of eighteen hundred dollars, and thirty dollars and sixty-six cents, obtained against John C. Moses and his securities, in the Sangamon circuit court, at the June term thereof, 1854, may be paid by the said Moses or his securities, in three equal annual payments, without interest, as follows: the first payment, on the first day of February, 1856; the second payment, on the first day of February, 1857; and the last payment, on the first day of February, 1858.*

Stay of execution

§ 2. Execution on said judgment shall be stayed till the time of said payments: *Provided*, that execution may issue against the parties in said judgment on their failure promptly to pay the first or any other payment set forth in this act.

Duty of auditor.

§ 3. The auditor of state is hereby directed to allow to said John C. Moses or his securities any credit the



county court of Brown county may certify is legally due, and that ought properly to be deducted from the above judgment, on account of any delinquent list for which said Moses was entitled to credit at the date of the judgment aforesaid : *Provided*, that this act shall not go into effect until said securities shall first file with the auditor their written acceptance of this act.

§ 4. This act to be in force from and after its passage.

APPROVED Feb. 15, 1855.

AN ACT to authorise the purchase of law books for the libraries of the In force Feb. 6,  
supreme court. 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there be appropriated for the years one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, the sum of five hundred dollars, annually, for each of grand divisions of the supreme court, to be applied in the purchase of law books for the libraries of said court; the money to be drawn and expended under the direction of the justices of said court.

§ 2. This act to be in force from and after its passage.

APPROVED Feb. 6, 1855.

AN ACT to provide for the payment of the installment of interest upon In force Feb. 15,  
the state debt payable January 1st, 1855. 1855.

[SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,*] That portion of the surplus revenue, and the fund received or to be received for the sale of state land, which by existing laws is appropriated to the purchase of the indebtedness of the state in the market, be and the same is hereby appropriated to the payment of the installment of interest which should have been made in New York on the 1st day of January, 1855, and for the payment of which provision was made by the state; and said fund shall be applied to no other purpose until said installment of interest shall have been paid.

[§ 2.] This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

In force Feb. 14, 1855. AN ACT to prevent sheep and swine from running at large in the counties of Stark, Putnam and McLean.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall not be lawful for any person or persons, possessor or possessors of any sheep or sheep, or hog or hogs, shoat or shoats, pig or pigs, to allow the same to run at large within the counties of Stark, Putnam and McLean; and if any person or persons, residing in said counties of Stark, Putnam and McLean, being the owner or owners, possessor or possessors of any such sheep or sheep, hog or hogs, shoat or shoats, pig or pigs, shall permit the same to run at large within said counties as aforesaid, such person or persons, possessor or possessors, shall forfeit and pay the sum of five dollars per head to any person or persons making complaint before any justice of the peace in and for said counties, to be collected as in an action for debt before such justice of the peace, together with the costs of suit: *Provided, however,* said sheep or sheep, hog or hogs, shoat or shoats, pig or pigs, shall not be considered as running at large while they remain upon the premises of the owner or owners, possessor or possessors of the same, not occupied by any other person or persons.

Undawful to run at large.  
Provide.  
Certain laws in-applicable.

§ 2. That so much of the sixth clause of the fourth section of the third article of an act entitled "An act to provide for township organization," approved February 17, 1851, as gives to the electors of each town in counties adopting township organization the power, at their annual town meeting, "to determine the time and manner in which hogs and sheep shall be permitted to run at large," be and the same is hereby declared inapplicable to said counties of Stark, Putnam and McLean, whether the same are now or may hereafter be organized under the provisions of said act.

§ 3. This act shall take effect and be in force from and after the first day of April, 1855.

APPROVED Feb. 14, 1855.

In force Feb. 14, 1855. AN ACT to extend the jurisdiction of the justices of the peace and police magistrates of the county of Peoria.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the several justices of the peace and police magistrates in the county of Peoria, shall have jurisdiction to hear and determine all complaints, suits and prosecutions mention-

Jurisdiction extended.

ed and described in section seventeen of chapter forty-nine, (entitled justices of the peace and constables,) of the Revised Statutes, in which the amount claimed to be due does not exceed three hundred dollars.

§ 2. Said justices of the peace and police magistrates shall have jurisdiction to hear and determine all complaints, suits and proceedings, for all debts, penalties or demands, in which the action of debt, assumpsit, trover, or trespass on personal property, will lie, in which the amount claimed to be due does not exceed three hundred dollars.

§ 3. Said justices of the peace and police magistrates shall have jurisdiction to hear and determine all actions on the case, (except libel and slander,) in which the amount claimed to be due does not exceed three hundred dollars.

§ 4. This act shall be taken to be a public act, and be in force from and after its passage.

APPROVED Feb. 14, 1855.

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AN ACT to establish the court of common pleas of the city of Cairo.. In force Feb. 6, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there shall be established in the city of Cairo an inferior court of civil and criminal jurisdiction in all cases except in cases of treason, and in cases wherein the demand exceeds the sum of fifty thousand dollars; which court shall be a court of record, by the name of "The Court of Common Pleas of the City of Cairo," and shall have concurrent jurisdiction within the city and within township seventeen south, and range one west of the third principal meridian, with the circuit court, except in the cases above excepted.

Court of common pleas established, &c.

Court to have concurrent jurisdiction with circuit courts, &c.

§ 2. The judge of the court of common pleas of the city of Cairo shall be nominated and appointed by the governor, by and with the advice and consent of the senate, and shall hold his office for the term of five years from the date of his commission, and shall have power to appoint the clerk of the said court. And the said clerk shall give bond, perform the same duties, be subject to the same liabilities, and be entitled to the same fees as are or may be provided by law in relation to the clerk of the circuit court. The judge shall be called "The Judge of the Court of Common Pleas of the City of Cairo," and shall receive an annual salary of one thousand dollars, to be paid, quarterly, out of the state treasury.

Judge to be appointed.

Clerk to be appointed.  
Clerk to give bond.

Salary.

Trustees to provide a seal.

§ 3. The board of trustees, or the city council of said city, as the case may be, shall provide a seal for the court; and all process issued from the court shall be attested in the name of the clerk, and be impressed with the seal of the court, and shall be made returnable in the same manner as like process are made returnable into the circuit court.

Governor to appoint prosecuting attorney.

§ 4. The governor, by and with the advice and consent of the senate, shall appoint a prosecuting attorney for the court of common pleas of the city of Cairo, whose powers, duties and fees shall be the same as now provided by law in relation to state's attorneys: *Provided*, that the said prosecuting attorney shall receive the same salary, payable quarterly, out of the state treasury, now allowed to a state's attorney.

Salary of attorney.

Grand and petit jurors how selected.

§ 5. The grand and petit jurors of the said court shall be selected from the qualified voters, being householders of the said township seventeen, including the city of Cairo as part of said township, as the city council or the board of trustees of the said city may order and direct; and the said council or board of trustees are required to certify to the clerk of the said court a list respectively of the said grand and petit jurors at least ten days before each term of the said court: *Provided, also*, that the said court may cause talismen to be summoned, subject to the same restrictions, and in like manner, now provided by law in relation to the circuit court: *Provided further*, that the said jurors shall be entitled to receive such compensation as the city council or board of trustees of the said city may order and direct.

Proviso.

Provided further.

Terms of court when to be held.

§ 6. The regular terms of the said court shall be held on the first Mondays of January, April, July and October of every year, and shall continue in session until the business of the court shall have been disposed of: *Provided*, that the judge of the court may appoint and hold special terms of the said court under the regulations, restrictions and authority now provided by law in respect to the judges of the circuit courts in that behalf.

Proviso.

Writs to be executed, and by whom.

§ 7. The marshal, or other equivalent officer of the said city, shall execute all writs, subpoenas and other process issued by or out of the said court of common pleas of the said city, or which may otherwise come to his hands, and make due return of the manner of executing the same, as now provided by law in relation to sheriffs; and when he shall have executed any criminal process, he shall take recognizance and make return thereof as is now provided by law, in like cases, in relation to sheriffs; and the said marshal or other officer shall be entitled to receive the same fees allowed by law to sheriffs.

Fees.

§ 8. Changes of venue, in all cases, may be taken from the said court to the circuit court of Alexander county, upon affidavit of the party or his attorney, setting forth the particular grounds of his or her belief, and averring his or her belief that justice and a fair and impartial trial require such change of venue: *Provided*, the judge of said court shall be satisfied of the truth of the affidavit: *Provided, further*, that no other or further change of venue shall be allowed.

Change of venue.

Proviso.

§ 9. All appeals and writs of *certiorari* taken from the judgments of justices of the peace within the said township seventeen, shall be taken to the said court in like manner as is now provided by law in relation to appeals from justices of the peace to the circuit court, and shall be there heard and determined as in like cases in the circuit court; and appeals may be taken, and writs of error prosecuted from the said court of common pleas of the said city to the supreme court, as is now provided by law in relation to appeals and writs of error from the circuit court to the supreme court.

Appeals.

§ 10. The judge and prosecuting attorney of said court of common pleas shall not be appointed until the necessity for the said court shall have been certified under the corporate seal of the city of Cairo: *Provided*, that if such necessity shall be so certified before the next session of the general assembly, the governor shall have power and be required to appoint and commission said judge and the said prosecuting attorney, whose terms of office, under such appointment, shall only continue until the next session of the general assembly, after the appointment, and until his successor shall have been appointed as hereinbefore provided: *Provided, further*, that in the year eighteen hundred and sixty-one, and every sixth year thereafter, the said judge and said prosecuting attorney of the said court of common pleas shall be elected at the same time and in the same manner as the circuit judges, any thing in this act to the contrary notwithstanding.

Judge and attorney not to be appointed until a certificate be filed with corporate authorities of Cairo.

Proviso.

Term of office.

Provided further.

APPROVED Feb. 6, 1855.

# AN ACT to establish a state road in Adams county

In force Feb. 16,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That P. T. Judy, Wilson Ticely and B. J. Chatten, of Adams county, be and they are hereby appointed commissioners to view, mark out, locate and establish a state road in the county*

Commissioners.

of Adams, commencing at the southeast corner of township one south of the base line, of range seven west of the fourth principal meridian, running thence west, as near as practicable, on the township line between townships one and two south to the east line of the farm of John Cleveland, senior; there to intersect the road running from Quincy east, by said Cleveland's, or to join or strike it at that point.

Meet and take  
oath.

To make and file  
plat.

Opened and kept  
in repair.

Compensation.

Damages.

Road to intersect.

§ 2. Said commissioners shall meet to perform the duty herein required of them, at any time before the first day of January, A. D. 1856, and shall, after they have surveyed and marked out said road, make or cause to be made a plat thereof; which shall, together with their report of their actings and doings in the premises, be filed with and recorded by the clerk of the county court of the county of Adams; after which said road shall be regarded as established, and opened, worked and kept in repair as other state roads; and said commissioners and such persons as they shall think it necessary to employ in and about the location of said road shall be allowed such compensation for their services as the board of supervisors of Adams county may determine, which amount shall be paid out of the county treasury of the county of Madison.

§ 3. Should any person or persons claim damage by reason of said road passing over his, her or their premises, the same shall be assessed and paid in the manner now provided by law.

§ 4. Said commissioners herein appointed, may, if they think the public interest will be promoted thereby, cause said road to intersect the road leading from Quincy to Columbus or the road from Quincy to Liberty, in Adams county, west of the range line between seven and eight west.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED Feb 15, 1855.

In force Feb. 15,  
1856.

AN ACT to reimburse Samuel McClure for money paid out for the retaking of William J. Shaw, charged with the murder of John Buchanan.

Preamble.

WHEREAS William J. Shaw was confined in the Clark county jail, and escaped from said jail, Samuel McClure, being keeper of said jail, offered a reward of two hundred dollars for the apprehension of said Shaw; he was apprehended, and said McClure paid the sum of two hundred dollars, and expended large sums otherwise; therefore,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the treasurer of the state of Illinois pay to Samuel McClure, late sheriff of Clark county, the sum of two hundred dollars, out of any money not otherwise appropriated. Duty of treasurer

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

AN ACT to relocate a part of the state road leading from York, in Clark county, to Charleston, in Coles county. In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the state road leading from York, in Clark county, to Charleston, in Coles county, as lies between the residence of William Hodges and the town of Darien, in said county, be and the same is hereby so changed and relocated as to run as follows, to wit: Beginning at or near the residence of said William Hodges; thence due west, to the range line dividing townships twelve and thirteen; thence north, to the southeast corner of said town of Darien. Section of road changed.

§ 2. That said part of said road shall hereafter be opened and kept in repair as hereby relocated. Opened and kept in repair.

APPROVED February 14, 1855.

AN ACT to authorise suits to be brought in the name of the county courts. In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That all official bonds of justices of the peace, made and executed to the county commissioners and their successors in office, previous to the organization of the county courts, shall be sued in the name of the county courts of the several counties of this state, for the use and benefit of any person or persons injured or aggrieved by the official acts or misconduct of any such justice. Official bonds may be sued in county courts.

§ 2. This act shall be in force from and after its passage.

APPROVED, Feb. 15th, 1855.

In force Feb. 15, 1855. AN ACT to establish a state road from Marion, in Williamson county, to Carbondale, in Jackson county.

**Commissioners.** SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That James Hampton and George L. Owen, of Williamson county, and William S. Richard, of Jackson county, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at Marion, in Williamson county, and run on the most direct and eligible route to Carbondale, in Jackson county.

**Meet and take oath.** § 2. It shall be the duty of said commissioners to meet at Marion, in the county of Williamson, on the fifth day of March next, after the passage of this act, or as soon thereafter as they may find it convenient, and after having been sworn by some acting justice of the peace of said county, to view, mark and locate a road, as above designated, having due regard to private property.

**To make plat.** § 3. When said commissioners shall have laid out and established the said road as aforesaid, they shall make out and deliver to the clerk of the counties through which said road passes, a copy or plat of said road, which plat, when so received by said clerk, shall be entered of record in their several offices, and the said entries, when so made, shall be evidence in all courts of this state, of the existence of said road.

**Compensation.** § 4. The county courts of the several counties through which said road passes shall allow to the said commissioners and to the said clerks a reasonable compensation for their services rendered as aforesaid, in proportion to the amount of labor performed in each county.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

In force Feb. 15, 1855. AN ACT to amend an act, entitled "An act to amend an act establishing county courts, approved February 12th, 1849, and extending the jurisdiction of the La Salle, Winnebago, Boone and McHenry county courts, approved February 27th, 1854, extending the jurisdiction of the Grundy county court."

**Jurisdiction extended.** [SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,*] That in addition to the power heretofore conferred upon the county courts of this state, the county court of Grundy county shall have, and they hereby receive the same powers in jurisdiction in all civil cases, suits and actions and proceedings, which are conferred upon and are now in force



in the county courts of La Salle, Winnebago, Boone and McHenry counties, by an act of general assembly, entitled "An act to amend an act establishing county courts, approved Feb. 12th, 1849, and extending the jurisdiction of the La Salle, Winnebago, Boone and McHenry county courts, approved Feb. 24th, 1854."

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

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AN ACT for the settlement of claims of contractors on the Illinois and Michigan Canal. In force Feb. 15, 1855.

WHEREAS it is alleged by and on behalf of the contractors who were employed in the construction of the Illinois and Michigan canal, whose contracts date prior to A. D. 1840, that they were subjected to great loss and damage by reason of the failure of the state to pay them, the said contractors, their several estimates for work done on said canal, according to the contract and agreement of the said state; and whereas the said contractors allege that they were compelled to take from the state in payment for work so done by them for the state, canal scrip, bonds, and other evidences of state indebtedness, at the par value of the same, while the same could not be disposed of in market, except at ruinous rates of discount; and whereas the said contractors also allege that a large sum of money has been withheld from them by the state, growing out of and accruing to them, as they allege, from what is commonly called the "Thornton Loan;" now, therefore, for the purpose of making a just and equitable settlement of all the said claims of the said contractors with the state, growing out of their said contracts and of the failure of the state to comply with and fulfil her part of said contracts as aforesaid,

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the whole subject of the claims specified in the foregoing preamble, together with the testimony relating thereto, taken before Charles Oakley, and now in the office of the secretary of state, and the testimony taken before Noah Johnson and A. Lincoln, which was reported to the governor of the state of Illinois, on the 7th day of January, A. D. 1853, and all other testimony relative to such claims, now on file in the office of the secretary of state, be and the same are hereby referred to a commission, consisting of

Judges Samuel H. Treat, John D. Caton and Walter B. Scates.

Examine claims  
and hear testi-  
mony.

§ 2. The said commissioners are hereby authorised and required to meet at some convenient place, by them to be determined, and at as early a day as is practicable, and examine said claims, the testimony concerning the same, taken before Charles Oakley, the testimony taken before Noah Johnson and A. Lincoln, and all other testimony relating thereto, now on file in the office of the secretary of the state, together with such other and further testimony as shall be presented before them, either on part of the state or the said claimants: *Provided*, that all additional testimony received by said commissioners shall be in writing and kept on file with the other testimony.

Provide.

To make report.

§ 3. After full examination and hearing of said claims, and the testimony accompanying them, and presented in relation thereto, they shall decide and determine upon the same as in their opinion sound morality, equity, and good conscience demand. They shall keep a record of their proceedings, setting forth their decision in each case examined and determined; and in each case in which, in their opinion as aforesaid, any sum shall be allowed the claimant or claimants, they shall state the name of the claimant or claimants, the amount of the claims thus approved, and on what account or accounts the same was approved, whether on the "Thornton Loan," (so called,) interest scrip, state bonds, canal indebtedness, or otherwise. And they shall report the same, together with all other material matters pertaining thereto, with such comments, suggestions, and recommendations, as to them shall seem fitting, to the legislature of the state, at the first meeting of the general assembly, in general or special session: *Provided*, that the said commissioners shall not approve, adjudicate, consider or examine any claim now owned, in whole or in part, by any assignee of said contractors, excepting only such claims as said assignee or assignees may be the bona fide owner of, and which were received by him or them in consideration of work done or materials furnished as a sub-contractor on said canal.

Provide.

Contractors  
make oath.

§ 4. For the purpose of avoiding the examination by said commissioners of any claim in fraud of the provisions of section three of this act, the said commissioners shall, before they enter upon examination of any claim, as provided for in this act, require the said claimant or claimants to prove by his or their oath or affirmation or otherwise, to the satisfaction of the said commissioners, that the said claimant or claimants hold and present such claim in his or their own right as an original contractor on said canal, as specified in the preamble of this act, or as a sub-contractor, as provided for in the third section of this act, and that such claimant or claimants have not, at any

time, previous to the presentation of said claim, in any manner parted with, sold or assigned the same, or any part thereof, to any person or persons whatever: *Provided*, that nothing herein shall be so construed as to prevent the presentation of and award upon the claim of the heirs, executors or administrators of said contractors or sub-contractors.

§ 5. A majority of said commissioners shall have authority to transact any business under this act, and the opinion or decision of said majority shall be considered and acted upon as the opinion and judgment of said board of commissioners. They shall have power to appoint an attorney to act on behalf of the state, to issue process to compel the attendance of witnesses, to administer oaths and affirmations, to appoint a clerk, and to command the services of any sheriff or constable to serve process or keep order during their sittings, and to fix the compensation of such officers.

Majority of commissioners have power to act and appoint attorney and clerk.

§ 6. The said commissioners shall give twenty days' notice of the time and place of their first meeting, by causing the same to be published in one or more newspapers in Springfield, Ottawa and Chicago; and after having met for the first time, they shall have power to adjourn from time to time, and from place to place, until the duties imposed by this act shall be performed.

Notice.

§ 7. The said commissioners shall each receive the sum of eight dollars for each [day] he may be necessarily engaged in the discharge of the duties imposed by this act, one half of the same to be paid from the state treasury and one half by those presenting claims for adjudication: *Provided*, that if said claims are reported adversely, the said claimants shall pay the amount due the commissioners; and the said commissioners, previous to entering upon the duties imposed upon them by this act, shall take an oath faithfully to discharge the same.

Compensation.

§ 8. This act shall be deemed a public act, and shall take effect from and after its passage.

Provided.

APPROVED Feb. 14, 1855.

AN ACT to punish the fraudulent issue and transfer of certificates of stock in corporations. In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That every president, cashier, treasurer, secretary or other officer, and every agent of any bank, railroad, manufacturing or other corporation who shall wilfully and designedly sign, with

False issue and transfer of stock

intent to issue, sell, pledge, or cause to be issued, sold or pledged, any false, fraudulent or semi-related certificate or other evidence of the ownership or transfer of any share or shares of the capital stock of such corporation, or any instrument purporting to be a certificate or other evidence of such ownership or transfer, for the signing, issuing, selling or pledging of which by such president, cashier, treasurer or other officer or agent shall not be authorised by the charter and by-laws of such corporation, or by some amendment thereof, shall be adjudged guilty of felony, and every such person or persons shall be liable to indictment, and on conviction shall be punished by fine, not exceeding two thousand dollars, and by imprisonment in the penitentiary not more than ten years, as the jury shall determine.

Liabie to indictment.

§ 2. That every president, cashier, treasurer, secretary or other officer, and every agent, attorney, servant or employee of any bank, railroad, manufacturing or other corporation, and every other person who shall, knowingly and designedly, and with intent to defraud any person or persons, bank, railroad, manufacturing or other corporation, issue, sell, transfer, assign or pledge, or cause or procure to be issued, sold, transferred, assigned or pledged any false, fraudulent or semi-related certificate or other evidence of ownership, of any share or shares of the capital stock of any bank, railroad, manufacturing or other corporation, every such person so issuing, selling, transferring, assigning or pledging, or causing the same to be done, shall be adjudged guilty of felony, and shall be liable to indictment, and on conviction shall be punished by fine, not exceeding two thousand dollars, and by imprisonment in the penitentiary not more than ten years, as the jury shall determine.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 14, 1855.

In force Feb. 16, 1855. AN ACT to enable banks having state stocks deposited with the state treasurer to receive their due proportion of the payments on the principal thereof, under the 15th article of the constitution.

Dividends to be deducted.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That it shall be the duty of the state treasurer, on every first day of January, to present to the auditor all evidences of state indebtedness in his possession which have been deposited with him in pursuance of the provisions of the general*

banking law, which are entitled to receive a *pro rata* of the amount paid on every first day of January, on account of the principal of state indebtedness, under the fifteenth article of the constitution, and that the proper dividends shall be declared on all evidences of indebtedness so presented.

§ 2. That the treasurer shall hold the *pro rata* dividends so received until the banks which are the owners of said evidences of indebtedness shall have deposited with the auditor such an amount of stocks of any of the kinds receivable under the provisions of the general banking law as are equal in value, under the provisions of the said law, to the amount of dividend held by the treasurer as aforesaid, and he shall then pay over the dividends to the banks entitled to receive them.

Stocks to be deposited.

§ 3. That nothing contained in this act shall be so construed as to withdraw any of the said evidences of indebtedness from the custody and charge of the state treasurer; and that the auditor shall cause the amount of dividend paid on any such indebtedness to be endorsed thereon before the same shall be withdrawn by any bank or other party.

Evidences of indebtedness not to be withdrawn

APPROVED Feb. 15, 1855.

AN ACT to view and locate a state road therein named.

In force Feb. 15, 1856.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Thomas McKee, of the county of Knox, and William Terry and William Willitt, of the county of Mercer, be and hereby are appointed commissioners to view, mark and locate a state road from the Walnut Grove station, on the Military Tract Central Railroad, in the county of Knox, via Pope Creek post office, in the county of Mercer, to the town of Keithsburg, in said county.

Commissioners.

§ 2. The said commissioners, or any two of them, shall meet at Pope Creek post office, on or before the fourth day of July next, and before entering upon the duties assigned them by this act shall take an oath before some justice of the peace of the state of Illinois faithfully to discharge the duties required of them by this act, and shall proceed to view, mark and locate said road, four rods wide, on the nearest and most eligible route.

Meet and take oath.

§ 3. Upon such location being made, the said commissioners, or any two of them, shall make a report of the same to the county courts of Knox and Mercer counties

To make report.

aforesaid; and said courts shall cause said road, or so much thereof as lies within their respective counties, to be opened within one year from the location thereof, and to be kept in repair; and said road is hereby declared to be a state road.

Compensation.

§ 4. The counties of Knox and Mercer shall allow said commissioners, their surveyor and assistants a reasonable compensation for their services, in proportion to the extent of said road in each of said counties.

APPROVED Feb. 15th, 1855.

In force Feb. 13,  
1855.

AN ACT to relocate part of a state road therein named.

Commissioners.

[SECTION 1.] *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That James Stephenson, James Hunter and Joseph Charles be and they are hereby appointed commissioners to review and relocate so much of the state road leading from the town of Grayville to the town of Carmi, both in White county, Illinois, as lies between a certain culvert, across Main street, in said town of Grayville, and the southeast corner of the northeast quarter of section 29, T. 3 S., range 14 west of the principal meridian.*

To meet and take  
oath and file  
plat.

§ 2. Said commissioners, or any two of them, shall, at any convenient time after the passage of this act, proceed to review and relocate said road, causing a survey and plat of the same to be made; which plat, by them signed, and certified by the surveyor, who shall survey the same, shall be returned to the clerk, and recorded upon the proper record in the county clerk's office of White county, aforesaid; and from the time of the return of said plat, such road shall be deemed to be established as a public highway, as relocated, and the county court of White county shall immediately cause the same to be opened, as now provided by law for opening new county or state roads.

Expenses to be  
paid.

§ 3. The county court of White county shall pay the expenses of reviewing and relocating said road, from the treasury of said county. This act to be in force and take effect from and after its passage.

APPROVED Feb. 13, 1855.

AN ACT to provide for a certain state road therein named.

In force Feb. 15,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That William B. Archer, Clark Nichols, of Clark county, and Marshall Barlow, of Crawford county, are hereby appointed commissioners view to and mark out a state road, commencing at Robinson, Crawford county, Illinois, running the nearest and best route until it strikes the range line dividing twelve and thirteen; thence north on said line until it comes to the town line dividing nine and ten; thence the nearest and best route until it comes to Marshall, Clark county, Illinois.

Commissioners.

§ 2. The said commissioners, or any two of them, shall meet in the town of Robinson, on the first Monday of May next, or some day thereafter, and before entering upon the duties assigned them by this act, shall take an oath before some justice of the peace of the county of Crawford, aforesaid, faithfully to discharge the duties required of them by this act, and shall proceed to view, mark and locate said road, four rods wide, on the nearest and most eligible route.

Meet and take  
oath.

§ 3. Upon the location being made said commissioners, or any two of them, shall make a report of the same to the county courts of Crawford and Clark counties, aforesaid, and said courts shall cause the said road, or so much thereof as lies within their respective counties, to be opened and kept in repair; and said road is hereby declared to be a state road.

To make report.

§ 4. The counties of Crawford and Clark shall allow said commissioners, their surveyor and assistants, a reasonable compensation for their services, in proportion to the extent of said road in each of said counties.

Compensation.

APPROVED Feb. 15, 1855.

AN ACT to relocate a part of the state road leading from Grayville, in White county, to Mount Carmel, in Wabash county.

In force Feb. 14,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Israel P. Burns, Robert Campbell, of Edwards county, and Joseph A. Compton, of Wabash county, be and they are hereby appointed commissioners to relocate so much of the state road leading from the town of Grayville, in White county, to the town of Mount Carmel, in Wabash county, as passes through section thirty-four (34,) in Edwards county, and section thirty-five (35,) in Wabash county, all in township two south, in range fourteen west.

Meet and take  
oath.

§ 2. The said commissioners shall meet on or before the tenth day of June next after the passage of this act, or as soon thereafter as possible, and take an oath before some justice of the peace of Edwards county, well and truly to perform the duties required of them by this act.

To make and file  
plat.

§ 3. When said commissioners shall have viewed the said ground, and shall have relocated said road, it shall be their duty to make out a plat of the road so relocated, and lay said plat before the county court of Edwards county as soon as practicable after the completion of the same; and the road so relocated is hereby declared a state road, and so much of the old road affected by said relocation is hereby vacated.

Plat to be record-  
ed.

§ 4. That said plat shall be evidence hereafter in all courts of record in this state, and it shall be the duty of the county court of Edwards county to record said plat in the records of said office.

§ 5. This act to be deemed and taken as a public act, and take effect from and after its passage.

APPROVED Feb. 14th, 1855.

In force Feb. 14,  
1855.

AN ACT to relocate certain state roads therein named.

Commissioners.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That David Mack, Melgar Couchman and James A. Winston, of Hancock county, be and are hereby appointed commissioners to view, mark and relocate that part of the Fairfield and Monmouth state road, which lies between the town of Carthage and the bridge across Crooked Creek, in said county of Hancock, and also that part of the Rushville and Commerce state road which lies between said town of Carthage and the town of Nauvoo, in said county.*

Meet and take  
oath.

§ 2. Said commissioners, or a majority of them, shall meet at said town of Carthage within six months from the passage of this act, on such day as may be agreed upon by them, and after being duly sworn by some justice of the peace of said county, faithfully to perform the duties imposed by this act, shall proceed to make, lay out and relocate said roads as provided in the preceding section, (avoiding as much as possible, damage to private property,) on the most eligible ground; and shall designate the route of said roads so relocated, by placing stakes in the prairie, and blazes on the trees in the timber. The said commissioners shall, so soon as the roads are laid out,



make and file a report and plat of said roads so relocated, with the courses and distances from point to point; which plat, when so made, shall be certified by said commissioners, and a copy thereof filed in the office of the clerk of the county court of the said county of Hancock.

§ 3. The said commissioners shall have power to employ a surveyor, and such other persons as may be necessary in the survey and relocation of said roads, and they shall make out and present to the county court, or supervisor's court, whichever may at the time be doing county business, a certified copy of the time and number of hands necessarily employed, and thereupon, it shall be the duty of said court to make and allow to each commissioner, surveyor, and person so employed, a reasonable compensation for their services.

Commissioners to employ surveyor

§ 4. Said roads, when so relocated and laid out, shall be, and the same are hereby declared state roads, and shall be opened four poles wide, and shall be kept in repair as other state roads, and it shall be the duty of said court to cause the same to be opened and kept in repair as other state roads are.

Opened and kept in repair.

§ 5. This act shall take effect and be in force from and after its passage.

APPROVED, Feb. 14, 1855.

AN ACT to relocate a portion of a state road therein named.

In force Feb. 15, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That William Jones, William Eveland and Aaron Vanata be and they are hereby appointed commissioners to relocate so much of the state road in Cumberland and Jasper counties, known as the Wabash and Shelbyville state road, as follows: commencing at the point where the abovenamed road intersects the county line between the counties of Jasper and Cumberland; thence westerly, on the most eligible route, on the line of said counties, to the southwest quarter of section thirty-six, township nine north, range ten (10) east; thence north, on the section line, to the northeast corner of section twenty-three (23,) same town and range; thence westerly, on the section line, to a point where said line intersects the now traveled road, (known as the Palestine road;) thence along said traveled road to the original line of the abovenamed state road.*

Commissioners.

§ 2. That said commissioners, or a majority of them, shall meet on or before the first day of June next after the

Meet and take oath.

passage of this act, or as soon thereafter as possible, in the county of Cumberland, Illinois, and take an oath before some justice of the peace of said county well and truly to perform the duties required of them by this act, and thereupon proceed so to do.

To make plat, &c.

§ 3. When said commissioners shall have examined said ground, and shall have relocated said road, it shall be their duty to make out a plat of the road so relocated, and lay one of them before the county courts of Cumberland and Jasper counties respectively, as soon as practicable; and the road so relocated is hereby declared the state road, and so much of the old road as is affected by the relocation is hereby vacated.

To be evidence.

§ 4. That said plat or certified copy thereof shall be evidence hereafter in all courts in this state; and it shall be the duty of the county court of Cumberland and Jasper counties to record said plat in their records respectively.

Opened and kept in repair.

§ 5. That after said plat shall have been laid before the county courts of Cumberland and Jasper counties, the said road, as so relocated, shall be opened and kept in repair as other public roads.

Expenses to be paid.

§ 6. That the counties of Cumberland and Jasper shall pay the expenses incident to the relocation of said road, in proportion to the length of line of relocation of said road in said counties respectively. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED Feb. 15, 1855.

In force Feb. 15, 1856.

AN ACT to provide for the burial of the dead occurring on railroads, and in or by vehicles carrying passengers.

Railroad company liable for all expenses.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all cases where any railroad company shall bring dead persons into this state, on board their cars or otherwise, the same being paupers or without personal effects, or friends to defray the expese of their burial, and that of paying such expenses of a coroner's jury, the said company shall be liable for all such charges as becomes necessary, in holding a coroner's inquest and a decent burial, and the necessary expenses of the same.

Expensee.

§ 2. In like manner, shall every railroad company running cars within this state be liable for all the expense of the coroner and his inquest, and the burial of all persons who may die on the cars, or who may be killed by collision or other accident occurring to such cars, or otherwise; and any coroner, city, town or person, who

shall take charge of, and decently inter any such body, or corpse, or cause an inquest to be held over such corpse, shall have cause of action against such company before any court having competent jurisdiction.

§ 3. The same liability in every respect shall attach to all steamboats, propeller boats, vessels or stages, which are engaged in whole or part in the conveyance of passengers for hire.

§ 4. This act shall be a public act, and shall take effect from and after its passage.

APPROVED Feb. 15, 1855.

AN ACT to authorize the purchase of books for the state library.

In force Feb. 16,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall be the duty of the secretary of state to apply the proceeds of the sales of the surplus copies of the laws of this state, and all other sums of money appropriated and unexpended, or which may be hereafter appropriated for the use of said state library for the sole and express benefit of said library.

Secretary of state

§ 2. That there be appropriated for the years 1855 and 1856 the sum of five hundred dollars, to be applied in the purchase of books for the state library; and that the state librarian or secretary of state shall report to the legislature at its every session, (regular and special,) the number and title of books purchased, their price per volume, and the aggregate amount expended for said purpose.

Appropriations.

APPROVED Feb. 15, 1855.

AN ACT to amend chapter 25, division 3rd of the Revised Statutes of 1845, entitled "Religious Societies."

In force Feb. 14,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That that portion of the above recited act concerning religious societies, which requires the certificate of the trustees of any such corporate body, whose term of office expires upon the election of their successors, to be filed and recorded in the recorder's office of the proper county, be so amended as to enable the officers of any such religious society,

Officers to make  
certificate.

of whatever name or title, whose duties correspond with those of trustees, to be authorised to make such certificate for record.

§ 2. The persons elected under said law in the capacity of trustees, whether known by the name of trustees, wardens, vestrymen or any other name, may assume and continue to use the name, style or description, as a corporation, by which they are known in the discipline or organization of the society to which they belong or by which they are elected, and shall by such name [be] known and described in all matters pertaining to their said corporation.

§ 3. This act shall be deemed a public act, and shall be in force from and after its passage.

APPROVED Feb. 14, 1855.

In force Feb. 15, 1855. AN ACT to amend an act entitled "An act establishing county courts, and providing for the election of justices of the peace and constables, and for other purposes."

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all counties in this state which have adopted or shall hereafter adopt "township organization," the December, March, June and September terms of the county court shall commence on the first Mondays of said months respectively.

APPROVED Feb. 15, 1855.

In force Feb. 15, 1855. AN ACT to amend chapter ninety-three, Revised Statutes, entitled "Roads."

Damages.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That in all cases, when it shall become necessary to appoint commissioners to assess the damages caused by the laying out or construction of any state or county road over the lands belonging to any company, corporation or individual, it shall be the duty of the judges of the county court, when application shall be made to them for that purpose, to appoint three householders, who shall assess the damages in the same manner as is provided for by the act to which this is an amendment.

Act repealed.

§ 2. So much of section thirty-eight of chapter ninety-three of the Revised Statutes as authorises justices of the peace to appoint said commissioners to assess said damages be and the same is hereby repealed. This act to take effect and be in force from and after its passage.

APPROVED Feb. 1855.

AN ACT to regulate the duties and liabilities of railroad companies. In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That every railroad corporation whose line of road or any part thereof is open for use, shall, within six months after the passage of this act, and every railroad company formed or to be formed, but whose lines are not now open for use, shall, within six months after the lines of such railroad or any part thereof are opened, erect and thereafter maintain fences on the sides of their road or the part thereof so open for use, suitable and sufficient to prevent cattle, horses, sheep and hogs from getting on to such railroad, except at the crossing of public roads and highways, and within the limits of towns, cities and villages, with openings, or gates, or bars at the farm crossings of such railroad, for the use of the proprietors of the lands adjoining such railroads, and shall also construct, where the same has not already been done, and hereafter maintain, at all road crossings now existing or hereafter established, cattle guards, suitable and sufficient to prevent cattle, horses, sheep and hogs from getting on to such railroad; and so long as such fences and cattle guards shall not be made after the time hereinbefore prescribed for making the same shall have elapsed, and when such fences and cattle guards are not in good repair, such railroad corporation and its agents shall be liable for all damages which shall be done by the agents or engines of any such corporation to any cattle, horses, sheep or hogs thereon; and when such fences and guards shall have been duly made, and shall be kept in good repair, such railroad corporation shall not be liable for any such damages, unless negligently or wilfully done. No railroad corporation shall be required to fence the sides of its roads, except when such fence is necessary to prevent horses, cattle, sheep and hogs from getting on to the track of the railroad from the lands adjoining the same, nor shall they be required to construct said fences on the sides of their railroads where the same runs through unenclosed lands lying at a greater distance than five miles from any settlement. Nor shall the said companies be required to erect and maintain said fences through lands where the proprietors of said lands have already erected fences or agreed with said companies so to do.

§. But it shall be the duty of every owner of land adjoining any railroad, who has received a specific sum as compensation for fencing along the line of land taken for the purpose of said railroad, and has agreed to build and maintain a lawful fence on the line of said road, to build and maintain such fence; and it shall also be the duty of every owner of land adjoining every railroad, who has re-

Railroad corporation to erect fences.

Owner of land to fence in certain cases.

ceived compensation for building and maintaining a lawful fence on the line of said road, by way of damages, in the condemnation of land taken for the purposes of said road under the laws of this state, to build and maintain such fence; and if said owner, his heirs or assigns, shall not build said fence within six months after he has been notified to do so by the said railroad corporation, or shall neglect to maintain said fences, if built, said corporations shall build and thereafter maintain such fence, and may maintain a civil action against the person so neglecting to build or maintain said fence, to recover the expense thereof; and such railroad corporation shall not be liable to such owner or owners, their heirs and assigns, for any damages which shall be done by the agents or engines, locomotives, or cars of any such corporation to any cattle, horses, sheep or hogs of said owner or owners, their heirs, assigns or lessees, coming upon said road, by reason or on account of the failure of such owner or owners, their heirs or assigns, to construct or maintain said fences.

Penalty.

§ 3. If any person shall ride, lead or drive any horse or other animal upon such road and within such fences and guards, other than at farm or road crossings, without the consent of the corporation, or who shall pull down, tear down or otherwise render insufficient to exclude stock any part of said fencing, he shall be liable to a penalty of not less than ten nor more than one hundred dollars, to be recovered in action of debt before any court having jurisdiction in such cases, in the name of the company or corporation owning such road, and for its use, and also shall pay all damages which shall be sustained thereby to the party aggrieved.

APPROVED Feb. 14, 1855.

In force Feb. 13,  
1855.

AN ACT providing for the purchase of certain copies of the Illinois Digest.

Duty of secretary  
of state.

Proviso.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the secretary of state be and is hereby directed to purchase from N. L. Freeman five hundred copies of the compilation and digest of the decisions of the supreme court of this state, being prepared by said Freeman for publication, to be called the "Illinois Digest:" Provided, such purchase shall not be made unless said digest shall, upon being examined by the justices of the supreme court of this state, be approved by them: And provided further, that each copy of said digest not exceed two volumes.*

§ 2. The price which shall be contracted to be paid for said "digest" shall be regulated as follows: at the rate of five dollars per volume, of the size of the Revised Statutes of 1845; the price to be diminished in proportion as the size of the volume shall be less than that of said Revised Statutes, and deducting from the price so ascertained: *Provided*, the quality of the paper and binding of said digest shall be equal to that of the 14th volume of the Illinois Reports.

Price to be paid  
for digest.

§ 3. The treasurer of the state shall pay to said Freeman, out of moneys in the treasury not otherwise appropriated, for said digest, upon warrant of the auditor of the state issued for that purpose.

Appropriations.

§ 4. The auditor of state shall issue his warrant to said Freeman for the amount contracted to be paid for said digest as aforesaid, upon the certificate of the secretary of state of the delivery of the same to him at Springfield, and the certificate of said justices of the approval of said digest, and that the mechanical execution of the same is in accordance with the requirements of this act; and the secretary of state shall distribute the said digest so to be purchased, as by law the decisions of the supreme court of this state are required to be distributed.

Auditor to issue  
warrant on cer-  
tificate.

§ 5. The purchase aforesaid shall not be made unless the said five hundred copies of said digest shall be delivered to the secretary of state within one year from the passage of this act. And this act to take effect and be in force from and after its passage.

Time to be del-  
ivered.

APPROVED Feb. 13, 1855.

AN ACT to amend chapter thirty-nine of the Revised Statutes, entitled "Estrays." In force Feb. 15, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly, That the counties which have adopted or shall hereafter adopt township organization the town clerk of every town thereof shall provide a book for the purpose of registering the mark, brands and color of any animals enumerated in chapter fifty of the Revised Statutes, taken up as an estray; which book shall be open at all times to inspection by all persons interested therein, and shall be deemed a part of the records of said town.*

§ 2. Any person who shall take up any estray, according to the provisions of the act to which this is an amend-

ment, shall cause to be registered in the book required to be provided in the foregoing act, the marks, brands and color of said estray, within five days from the time of such taking up.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

In force Feb. 15, 1855. AN ACT to amend the several laws of this state in relation to swamp lands.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the board of supervisors of the county of Adams be and are hereby authorised and empowered to value the swamp lands in said county, remaining unsold, and to proceed to sell the same at any time hereafter, in the manner now provided for by law, any thing in the laws of this state, in relation to swamp lands, to the contrary notwithstanding.

§ 2. This act shall be deemed a public act, and be in force from and after its passage.

APPROVED Feb. 15, 1855.

In force Feb. 14, 1855.

AN ACT to amend an act concerning weights and measures.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That whenever any of the following articles shall be contracted for, or sold, or delivered, and no special contract or agreement shall be made to the contrary, the weight per bushel shall be as follows, to wit: Shelled corn, fifty-six (56) pounds; corn in the ear, seventy (70) pounds; wheat, sixty (60) pounds; rye, fifty-six (56) pounds; oats, thirty-two (32) pounds; barley, forty-eight (48) pounds; Irish potatoes, sixty (60) pounds; sweet potatoes, fifty-five (55) pounds; white beans, sixty (60) pounds; castor beans, forty-six (46) pounds; clover seed, sixty (60) pounds; timothy seed, forty-five (45) pounds; flax seed, fifty-six (56) pounds; hemp seed, forty-four (44) pounds; blue grass seed, fourteen (14) pounds; buck wheat, fifty-two (52) pounds; dried peaches, thirty-three (33) pounds; dried apples twenty-four (24) pounds; onions, fifty-seven (57) pounds; salt, fifty (50) pounds; stone coal, eighty



(80) pounds; malt, thirty-eight (38) pounds; bran, twenty (20) pounds; turnips, fifty-five (55) pounds; hair, (plastering) eight (8) pounds; unslacked lime, eighty (80) pounds; corn meal, forty-eight (48) pounds; fine salt, fifty-five pounds.

§ 2. All laws and parts of laws inconsistent with this act are hereby repealed. Acts repealed.

APPROVED Feb. 14, 1855.

AN ACT to locate a state road therein named.

In force Feb. 15,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That Benjamin Walton, of Livingston county, William Bull, of Livingston county, and Freeduss Beech, of McLean county, be and are hereby appointed commissioners to view, survey and locate a state road from a point on the state road leading from Pleasant Hill, in McLean county, to Bur Oak Grove, in Vermilion county, where said state road crosses the range line between range five and six east of the third principal meridian; thence, on said range line north, until it strikes the road leading from Danville to Ottawa, having due regard to private property.

Commissioners.

§ 2. The said commissioners shall meet at Avoca, in Livingston county, on the first Monday in May next, or as soon thereafter as practicable, and after being duly sworn by some justice of the peace, faithfully to discharge the duties required by this act, shall proceed to view, survey, mark and locate said road, between the points above named, on the nearest and best ground, by marking trees in the timber, and setting up stakes or ploughing in the prairie.

Meet and take  
oath.

§ 3. The said commissioners, as soon after the location aforesaid as practicable, shall make a report of said survey, with the line of the said road distinctly laid down on the same, giving the distance and description of said road as surveyed, which said report &c., shall be filed with the county clerks of McLean and Livingston counties, whose duty it shall be to record the same.

Make report.

§ 4. The county courts of McLean and Livingston shall pay each their respective portions of the expense of said review and location, and shall cause the same to be opened and kept in repair.

Expenses to be  
paid.

§ 5. This act to be in force from and after its passage.  
APPROVED Feb. 15, 1855.

In force Feb. 15, 1855. AN ACT to enable the auditor of public accounts to pay the interest on the school fund to White county.

Presented

WHEREAS the collector of revenue of White county, in this state, for the year 1847, failed to pay a portion of interest due said county on the school, college and seminary fund, for said year; therefore,

Auditor to issue  
warrant.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of state is hereby authorised and required to draw his warrant on the state treasurer of this state in favor of said county for the sum of four hundred and one dollars and eighty-eight cents, being the amount of said interest remaining due and unpaid to said county; which sum shall be paid out of any moneys in the treasury not otherwise appropriated.

§ 2. This act shall be deemed a public act, and take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

In force Feb. 12, 1855. AN ACT defining the duties of grand juries in the county of Jo Daviess.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That it shall be the duty of the grand jury of the county of Jo Daviess, at any regular or special term of the circuit court of said county, to duly inquire into and true presentments make, by bill or indictment, of all and every person or persons who shall violate the laws of this state by selling *alcoholic drinks*, without license from the proper authority so to do, or by keeping open houses on Sunday, or by keeping disorderly houses, whether such person or persons shall have violated such laws within the corporate limits of the city of Galena, or any other part of said county; and any law conflicting with the provisions of this bill, is hereby repealed.

This act shall take effect from and after its passage.

APPROVED Feb. 12, 1855.

AN ACT authorizing an issue of state bonds or scrip to J. J. & J. Mc- In force Feb. 14,  
Killips. 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the governor of the state is hereby authorised, directed and empowered to issue state bonds or scrip to J. J. & J. Mc-Killips, for work done on the public works, and for the amount allowed them by the board of auditors, as authorised by an act entitled "An act creating a board of auditors to settle accounts of the contractors on the public works," approved Feb. 26th, 1841, placing them on an equal footing with the other contractors: *Provided*, no evidence of indebtedness has been issued, or payment made on said claim.

Governor to issue bonds.

Proviso.

§ 2. That interest be allowed on said claim, at the rate of six per cent. per annum, from the time when drafts should have been issued for the same, according to the provisions of an act creating a board of auditors, dated Feb. 26th, 1841, the said auditors having determined the amount then due said contractors.

Interest to be allowed.

§ 3. This act to take effect from and after its passage.  
APPROVED Feb. 14, 1855.

AN ACT to amend an act entitled "Fees and Salaries, approved March 3rd, 1845, and an act amendatory thereto, approved February 12th, 1849. In force Feb. 13, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That every witness attending in his own county upon trials in the circuit court shall be entitled to receive the sum of one dollar for each day's attendance. For attending in a foreign county, going and returning, accounting twenty miles for each day's travel, per day, one dollar. Every witness, when attending for the purpose of having his deposition taken, one dollar per day: *Provided*, that no allowance or charge shall be made for the attendance of witnesses aforesaid unless the witness shall make affidavit of the number of days he or she actually attended, and such attendance was at the instance of one or both of the parties, or his or her or their attorney. Every constable, who is not a deputy sheriff, when summoned by the sheriff to attend the circuit court, shall be allowed the sum of one dollar and fifty cents per day for each day's attendance on such court, and no more.

Witness fees.

Proviso.

§ 2. This act shall be in force and take effect from and after its passage.

APPROVED Feb 13, 1855.

In force Feb. 15, 1855. AN ACT to regulate payments of interest on the public debt, and the purchase of state bonds.

Act repealed. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of all laws as authorise the employment of a state agent in the city of New York to pay interest on the bonds of this state, be and the same is hereby repealed.

Treasurer to make payments of interest. § 2. Hereafter all payments of interest on the public debt shall be made by the state treasurer, at the treasury, on the warrant of the auditor, except such interest as the state has contracted to pay in New York, the instalments upon which shall be paid by the treasurer, in New York, and except the instalment upon the interest payable in London. And the treasurer shall make such arrangements as may be necessary for the payments of the instalments of interest made payable in London: *Provided*, that the money applicable to the payment of such interest shall not be withdrawn from the treasury more than thirty days before the time fixed for such payment.

Proviso. § 3. Hereafter no part of the proceeds of the sale of state lands or surplus revenue shall be paid out of the treasury, for the purchase of state indebtedness, unless the bonds or other indebtedness are filed ready to be canceled at the time the payment is made.

Land fund and surplus revenue § 4. Hereafter all moneys applicable to the payment of interest received into the public treasury prior to the 15th day of June and December in each year, shall be apportioned and paid out on the first day of July and January, respectively, ensuing.

Interest to be apportioned. § 5. This act to take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

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In force Feb. 14, 1855. AN ACT to amend an act entitled 'Fees and Salaries,' chap. 41, Revised Statutes.

Fees of county clerk. SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That section thirty-seven of chapter 41, of the Revised Statutes, entitled fees and salaries, be and the same is hereby repealed. That hereafter the clerks of the several county courts in this state shall not charge any fees for issuing writs of election, comparing election returns, issuing certificates of allowances made to individuals by the courts, or for any other service rendered the county, but the courts shall allow the respective clerks such reasonable

compensation as they may think right, as an ex-officio fee, not exceeding one hundred dollars per annum, exclusive of a per diem allowance not exceeding three dollars per day for their attendance in the courts in term time, during county or probate business. For each marriage license and recording certificate of marriage, one dollar. For each official bond, fifty cents. For each certificate and seal of office, thirty-five cents. For examining and approving each inventory, sale bill, and account current filed by executors or administrators, fifty cents. The same fees shall be allowed for each guardian bond and issuing letters of guardianship and recording the same as are now allowed by law for administrators' bonds and issuing and recording letters of administration. The same fees shall be allowed for computing and extending the tax on each person's personal property and for copying the same as is now allowed by law for like services on each tract of land.

§ 2. There shall be allowed to each county judge of this state for each day engaged in holding courts or probate courts, the sum of three dollars. Fees of county judge.

§ 3. That so much of "An act to amend an act entitled 'Fees and Salaries,' in chapter 41, Revised Statutes," approved Feb. 12th, 1849, as also "An act establishing county courts, and providing for the election of justices of the peace and constables, and for other purposes," approved Feb. 12, 1849, as conflict with this act be and the same are hereby repealed. Acts repealed.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED Feb. 14, 1855.

AN ACT to amend an act entitled "An act to amend the act entitled 'Fees and Salaries,' chapter 41, Revised Statutes," approved February 12th, 1849. In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That hereafter the clerks of the circuit courts of each county in this state shall be allowed the following fees, viz : Fees of jurors, &c

For swearing jurors, witnesses, and all other persons in criminal cases, the same fees shall be allowed as in civil cases; and in all criminal cases, where the defendant shall be acquitted or otherwise legally discharged, without the payment of costs, the clerk shall receive from the county in which he is clerk (\$40) forty dollars per annum, to be paid quarterly.

Fee for recording  
&c.

For recording all deeds, mortgages, powers of attorney, or other instruments of writing, for every 100 words, ten cents. For copy of same, for every 100 words, ten cents. For each certificate to a deed, mortgage or other instrument recorded, twenty-five cents.

Acts repealed.

§ 2. All laws and parts of laws that come in conflict with the provisions of this act, be and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

APPROVED Feb. 14th, 1855.

In force Jan. 10,  
1855.

AN ACT making partial appropriations for defraying the expenses of this general assembly.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the auditor of public accounts be and he is hereby authorised and required to draw warrants on the treasury for the sum of fifty dollars to each member of the senate and house of representatives, and warrants for a like sum to the speaker of each house, the secretary and assistant secretaries of the senate, the clerk and assistant clerk of the house of representatives, the enrolling and engrossing clerks of each house, each of the door-keepers and assistant door-keepers, and thirty dollars to the copyists of the journals of each house; also, eighteen dollars to W. D. Latslaw for the services rendered as secretary *pro tem.*, and fifteen dollars to John Connelly, for services rendered as assistant sergeant-at-arms *pro tem.* to senate.

§ 2. That any money now in the treasury, or which may be received into the treasury and not otherwise appropriated by law, shall be applied to the payment of the warrants aforesaid.

§ 3. This act to be in force from and after its passage.

APPROVED Jan. 16, 1855.

In force Feb. 15,  
1855.

AN ACT to incorporate Masonic and Odd Fellows' Lodges, Divisions of the Sons of Temperance, and other benevolent societies.

Organization.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That any number of persons, not less than three, may voluntarily

associate themselves together for either of the following purposes : To organize Masonic and Odd Fellows lodges, subordinate to their several grand lodges ; and also, divisions of the Sons or Daughters of Temperance, or any other charitable or benevolent institutions, associations or orders.

§ 2. Any such order, lodge or society that may wish to become incorporated under and by the provisions of this act, shall file in the office of the clerk of the county court in which said association, lodge, order or society shall be or is now organised and located a certificate, in writing, setting forth the name of such association, the objects of the same, the place where the meetings of such society are held; which certificate shall be signed by the presiding officer of said association, the secretary and treasurer, and attested by the seal of the association; and such association, after having filed the certificate, as required by this act, shall be deemed and held a body corporate and politic, and under the name and style stated in such certificate, may sue and be sued, plead and be impleaded in all courts of law and equity in this state, and shall have power to contract and be contracted with, and have and use a common seal.

To file certificate  
with  
county  
clerk.

§ 3. That any such association incorporated under this act may take by purchase, grant, devise, gift or otherwise, any town lots or tracts of land, and may sell and dispose of the same, and execute a deed of conveyance, signed by the presiding [officer] and secretary, and attested by the corporate seal of the association : *Provided, however,* that such association shall at no time hold real estate exceeding in value thirty thousand dollars.

May hold real  
estate.

§ 4. Any such association, when organised and incorporated as aforesaid, may make and establish all such rules, by-laws and regulations necessary to carry out and enforce the objects of such association, not inconsistent with the constitution and laws of this state, or of the United States.

Establish by-laws  
and rules.

§ 5. The secretary of every such corporation shall keep a fair record of the proceedings thereof in a book provided for that purpose; and such record or copies, duly certified and attested by such secretary, with the seal of said corporation, may be read in evidence in any of the courts of law or equity of this state where the interests of such corporation are concerned.

Record to be kept

§ 6. Any such corporation may acquire and possess personal property, and sell and dispose of the same : *Provided,* they shall not hold or possess a greater amount and value of five thousand dollars at any one time.

Hold personal  
property.

Provide.

§ 7. If at any time the said association shall change the place of holding their regular meetings, they shall give

Notice to be given  
of place of  
meeting.

notice of the same by filing in the office of the clerk where the said certificate is filed, a notice, in writing, of the place where the place of holding their said meetings are to be held; and on failure to do so within five days after changing the same, all the privileges herein granted shall be and they are hereby forfeited.

§ 8. This act to be in force and take effect from and after its passage, and be deemed a public act.

APPROVED Feb. 15, 1855.

In force Feb. 14,  
1855.

AN ACT to vacate and relocate a part of a state road therein named.

State road vacated.

To be relocated.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of the state road connecting the towns of Albion, in Edwards county, and Salem, in Marion county, as lies between a point in said road where it crosses the line dividing the east half and the west half of the southwest quarter of section twelve, in township two north, of range two east of the third principal meridian, in Marion county, Illinois, be and the same is hereby vacated; and said road or part thereof hereby vacated shall be relocated by commencing at said point in said road, where it crosses the said line; and run thence north, along said line, on the west side thereof, to the state road leading from St. Louis, Mo., to Vincennes, Indiana.

§ 2. That this act shall take effect from and after its passage.

APPROVED Feb. 14, 1855.

In force Feb. 14  
1855.

AN ACT authorizing the collection of a school tax upon a part of school district No. 2, Appanooce township, Hancock county, in 1855, for the year 1854.

County clerk to compute tax list.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county clerk of Hancock county be authorised and he is hereby required to compute the tax levied as a school tax for the year one thousand eight hundred and fifty-four, by the inhabitants of school district No. 2, in the township of Appanooce, in Hancock, upon the property, both real and personal, of said district, embraced in the following boundaries, viz: sections No. (13) thirteen, (12) twelve, (24)



twenty-four, the southeast quarter of section No. (11) eleven, the east half of section No. (14) fourteen, the east half of section No. (23) twenty-three, omitted to be collected for the year eighteen hundred and fifty-four; and that the same be assessed and placed on the collector's tax books of the year one thousand eight hundred and fifty-five; and by the said collector collected and paid over as provided for by law for the collection and disbursements of school taxes for like purposes.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED Feb. 14, 1855.

AN ACT to establish a certain state road therein named.

In force Feb. 3,  
1855.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That so much of the Northern Cross Railroad as lies between Wood street, in the city of Quincy, in the county of Adams, and the south line of the southeast quarter of section twenty-one, in township one south, and range eight west, in said county, be and the same is hereby declared a state road, and shall be opened, kept open and worked as such.

Part of Northern  
Cross R. R. de-  
clared a state  
road.

§ 2. It shall be the especial duty of the road overseers, who have jurisdiction and control of roads in the road districts through which the road mentioned in the first section of this act passes, to see that this act is strictly enforced.

Duty of overseers

§ 3. If any owner or owners of lands over which the road established in this act passes, has or have been paid damages for the location of said road, either for railroad or state road purposes, no further damage shall be assessed or allowed to them.

Damages.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 3, 1855.

In force Feb. 15, 1855. AN ACT

reclaim persons who have been decoyed or kidnapped and taken away beyond the boundaries of this state.

Governor authorized to appoint agents.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That whenever the governor of this state shall receive information satisfactory to him, that any inhabitant of this state has been decoyed, kidnapped, or transported away from this state into any other state or territory of the United States, for the purpose of restraining such person in his or her liberty, or reducing such person to slavery, or any other unlawful purpose, or that such person is wrongfully seized, imprisoned or held in slavery in any of the states or territories of the United States, on the allegation or pretence that such person is a slave, or by color of any usage or rule of law prevailing in said state or territory is deemed or taken to be a slave, or not entitled of right to the personal liberty of an inhabitant of this state, it shall be the duty of said governor to take such measures as he shall deem necessary to procure such person to be restored to his or her liberty, and returned to this state. The governor is hereby authorised to appoint such agent or agents as he shall deem necessary to effect the restoration and return of such person, and shall furnish said agent with such credentials and instructions as will be likely to accomplish the object of his appointment. The governor may determine the compensation to be allowed such agent for his services and necessary expenses.

Duty of agents.

§ 2. Such agent shall proceed to collect the proper proof to establish the right of such person to his or her freedom, and shall perform such journeys, take such measures, institute and procure to be prosecuted such legal proceedings under the direction of the governor, as shall be necessary to procure such person to be restored to his or her liberty and returned to this state.

Expenses how paid.

§ 3. The accounts for all services and expenses incurred in carrying this act into effect shall be audited by the auditor of public accounts, and paid by the treasurer, on his warrant, out of any moneys in the treasury of this state not otherwise appropriated. The treasurer may advance, on the warrant of the auditor, to such agent such sum or sums as the governor shall certify to be reasonable to enable him to accomplish the purposes of his appointment, for which advance such agent shall account on the first audit of his account.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

AN ACT to amend an act entitled "An act to appoint commissioners to build a court and library room at Mount Vernon, for the use of the supreme court," approved February 28th, 1854. In force Feb. 9, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the sum of ten thousand dollars be and the same is hereby appropriated, out of any moneys in the treasury, for the completion of the building for the use of the supreme court at Mount Vernon, and enclosing the same; which said sum shall be paid upon the order of a majority of the commissioners named in said act.

Appropriations  
for completing  
the building.

§ 2. Said commissioners shall proceed to have the said building completed, enclosed and furnished in a suitable and substantial manner: *Provided*, the same shall not exceed the said sum of ten thousand dollars.

APPROVED Feb. 9, 1855.

AN ACT to establish a state road from Vienna, in Johnson county, to Carbondale, in Jackson county. In force Feb. 15, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That John Dunn, of Jackson county, Abraham North, of Williamson county, and James McCoy, of Johnson county, be and they are hereby appointed commissioners to lay out and establish a state road, which shall commence at Vienna, in Johnson county, and run to Felt's & Campbell's mills, in Williamson county, and thence to Carbondale, in Jackson county.

Commissioners.

§ 2. It shall be the duty of said commissioners to meet at Felt's & Campbell's mills, in the county of Williamson, on the first day of March next after the passage of this act, or as soon thereafter as they may find it convenient, and after having been sworn by some acting justice of the peace of said county, to view, mark and locate a road, as above designated, having due regard to private property.

Meet and take  
oath.

§ 3. When said commissioners shall have laid out and established the said road as aforesaid, they shall make out and deliver to the clerks of the counties through which said road passes a copy or plats of said road; which plat, when so recorded by said clerk, shall be entered of record in their several offices; and the said entries, when so made, shall be evidence in all courts of this state of the existence of said road.

To make plat.

§ 4. The county courts of the several counties through which said road passes shall allow to the said commission-

Compensation.

ers and to the said clerks a reasonable compensation for their services, rendered as aforesaid, in proportion to the amount of labor performed in each county.

§ 5. This act shall be in force and take effect from and after its passage.

APPROVED Feb. 15, 1855.

In force Feb. 9, 1855. AN ACT in relation to the compilation and distribution of the general laws of the state of Illinois, relative to township organization.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That upon delivery to the secretary of state of a number of copies sufficient to supply each township in the state in the counties adopting township organization with ten copies for each township, of a work entitled a compilation of all the general laws of the state of Illinois relative to township organization, to which are added numerous practical forms and notes, with references to decisions of the older states on questions upon like statutes, with a copious index, by Elijah M. Haines, counsellor at law, the said secretary of state shall give to the said Elijah M. Haines, the compiler of said work, or to his order, a certificate of the delivery thereof, stating therein the number of copies so delivered; the number required, as contemplated by this act, to be ascertained from the records of the office of the auditor of public accounts.

Copies to be delivered to secretary of state.

Duty of auditor.

§ 2. That on presentation of the said certificate to the auditor of public accounts, he shall draw his warrant on the treasurer for such sum as the number of copies so delivered as aforesaid shall amount to, at the price for which the same shall be sold to individuals, provided the same shall not exceed twenty-five cents per copy.

Secretary of state to distribute books.

§ 3. The secretary of state shall distribute the said books among the several counties adopting township organization, allowing to each county a sufficient number to afford ten copies to each township therein, which shall be transmitted by the secretary of state to the several county clerks of said counties, to be distributed among the several town officers as the board of supervisors shall order.

§ 4. This act to take effect and be in force from and after its passage.

APPROVED Feb. 9, 1855.

AN ACT to legalize the assessment of taxes in the county of Hancock, for the year 1853. In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the state and county taxes levied and assessed on the lands and personal property in the county of Hancock, in the state of Illinois, for the year 1853, made either by the county treasurer and assessor and his deputies, or assessors of towns under township organization, be and the same is hereby legalized.

Assessment legalised.

§ 2. That the county collector of said county shall proceed to collect the same in like manner as other taxes are collected by him.

Duty of collector.

§ 3. That all the acts of said several assessors and collectors in relation to said taxes be and the same are hereby legalized.

Acts of assessor legalised.

§ 4. This act shall be in force from and after its passage.

APPROVED Feb. 14, 1855.

AN ACT to provide for the incorporation of cemetery associations by general law. In force Feb. 14, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That when five or more persons shall associate themselves together for the purpose of forming a cemetery association in any incorporated city, or town, or any township, precinct, village or neighborhood in this state, such persons shall have the power to adopt a corporate name, and by that name shall be known as a body corporate, and by that name shall have perpetual succession, and be invested with all powers, rights, privileges, liabilities and immunities incident to corporations. Said persons, so associated, shall have power to acquire, by gift, grant or purchase, any lot or lots of land, not exceeding fifty acres, and lay out the same for a burial place for the dead, with convenient aisles, and to sell the same for such purpose and for no other purposes, reserving a sufficient portion thereof for the burial of the stranger and indigent persons. Said persons, so associated, may have a common seal, and may alter or change the same at their pleasure. Said association shall have power to enclose and ornament said burial ground, to build and erect a hearse house, and keep the same in proper repair; to purchase a hearse or hearses, and do all other necessary acts, to the end that all the appliances, convenien-

Formation of cemetery associations.

ces, benefit of a public and private cemetery may be desired or obtained.

Officers how chosen.

§ 2. The officers of said corporation shall be a president, a treasurer, who shall act as secretary, and three directors, which said officers shall be chosen annually, by ballot, and shall hold their office until their successors are chosen. Any neglect to choose their officers on the day fixed upon for that purpose shall not operate as a forfeiture of their act of incorporation, in accordance with provisions of this act.

Election.

§ 3. The first election of officers by the persons associating according to and for the purpose specified in the first section of this act, shall be at the time and place designated and agreed upon by a majority of the persons so associating themselves together; and no other than such persons shall vote at said election.

Voters.

§ 4. At each subsequent election of officers of said incorporation, the owner or owners of a lot or lots in said burial grounds shall be entitled to one vote in the election of officers of said corporation, and no more; and shall, by virtue of such membership, be a member of said corporation.

Land to be surveyed.

§ 5. The persons associating together in accordance with the provisions of this act, shall cause the land designated as a burying ground to be surveyed and platted; and a plat of said ground, so surveyed, shall be recorded in the recorder's office in the county where such land is situated; each lot shall be duly numbered by said surveyor, and such number shall be marked on said plat and recorded as aforesaid.

Establish by-laws and rules.

§ 6. The said corporation shall have power to establish and change by-laws, and prescribe rules and regulations for its government, and the duties of its officers and the management of its property.

Proceeds of sale.

§ 7. The proceeds arising from the sale of lots in the foregoing sections of this act provided for, after deducting all expenses of purchasing and laying out lots, shall be applied, appropriated and used in improving and ornamenting the burial ground, or for other purposes named in this act.

Exempt from taxation.

§ 8. The property of the corporation, its ground, lots and appliances, shall be exempt from taxation, and shall not be liable to sale on execution.

§ 9. This act is hereby declared a public act, and shall take effect from and after its passage.

APPROVED February 14, 1855.

## AN ACT for the relief of Eber Denning.

In force Feb. 14,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the governor be and he is hereby authorised and required to issue to Eber Denning, of Iroquois county, in this state, a certificate of indebtedness for the sum of two hundred dollars, bearing interest at the rate of six per cent. per annum from the first day of March, one thousand eight hundred and forty, until paid; the same to be in lieu of two canal scrips of that date of one hundred dollars each, with interest thereon from that date, which have become mutilated and nearly destroyed. Said certificate issued by virtue hereof shall be payable in the same manner, and at the same time, and from the same fund that the said two original scrips should have been paid, and shall be countersigned by the auditor of public accounts.

Governor to issue  
certificate.

§ 2. Said two mutilated canal scrip shall be deposited with the auditor of public accounts, together with the affidavits of Eber Denning and Margaret Denning, accompanying the same, and marked by him canceled.

Scrip to be depos-  
ited, with audi-  
tor.

This act shall take effect from and after its passage.

APPROVED Feb. 14, 1855.

AN ACT changing the time for holding the county court of the county of Adams. In force Feb. 14,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the county court of the county of Adams shall hereafter commence its terms on the first Monday of each and every month, and continue each of said terms for the space of three weeks, and as much longer as may be necessary to dispose of the business before it.

§ 2. This act shall be a public act and take effect from and after its passage.

APPROVED Feb. 14, 1855.

AN ACT to vacate a certain street and to open an alley in the town of Wayneville, De Witt county, In force Feb. 14,  
1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That so much of South street, in Post's addition to the town of Street vacated.

Waynesville, De Witt county, running from Main street east, the length of lot number eight (8,) in block number twenty-eight (28,) in said addition, be and the same is hereby declared vacated.

Alley to be opened.

§ 2. *Be it also enacted*, That an alley shall be opened, sixteen feet wide, running south forty-nine feet from South street, between school lot and the lot belonging to the Presbyterian church, to intersect the county road running from Waynesville to Springfield.

§ 3. This act shall be deemed to be in force from and after its passage.

APPROVED Feb. 14, 1855.

In force Feb. 15,  
1855.

AN ACT to apportion the interest on the school fund to new counties.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That whenever a new county is established, it shall be the duty of the commissioners of the school fund to divide the amount of interest, the school, college and seminary fund, due to the counties, out of which such new county was formed, according to the last census, between the new county and the counties from which it was formed, in proportion to the highest number of votes given in such counties at the first election after the formation of such new county for members of the legislature or any county officer.

§ 2. When a basis shall have been fixed as provided in the preceding section, it shall so remain until the taking of the next census.

APPROVED Feb. 15, 1855.

In force Feb. 15,  
1855.

AN ACT to amend an act entitled "An act to locate a state road in the counties of Tazewell and Logan," approved February 12, 1853.

Act repealed.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That so much of section 2d of said act as appoints John Smith, of Pekin, as surveyor, for purposes therein named, be and the same is hereby repealed; and that Thomas King, jr., be and he is hereby appointed in lieu of said John Smith, as such surveyor.

Acts of commissioners legalised

§ 2. *Be it further enacted*, That all the acts of the commissioners in said act named, heretofore had and done in



locating and establishing said road, and making, certifying and filing the report of their proceedings therein in the counties of Tazewell and Logan, as in said act required to be done; and also, all the acts of said Thomas King, jr., as surveyor in the location and establishment of said road, be and the same are hereby legalized as fully and in every respect as though he had been named in the act to which this is an amendment.

§ 3. *Be it further enacted*, That the commissioners, or a majority of them, named in the first section of the act to which this is an amendment, be and they are hereby authorized and empowered to lay out, establish and continue said road from the town of Postville, in Logan county, on the most direct and eligible route, to the town of Lincoln, in said county.

Commissioners  
authorized to  
establish road  
therein named.

§ 4. Said commissioners, or a majority of them, shall meet at Postville, on or before the first day of July next, or as soon thereafter as they shall deem practicable, and shall proceed in all respects to lay out, designate, establish and continue said road, as required by the provisions of the act to which this is an amendment. And they shall receive the same compensation, which shall be appropriated and paid in the same manner as as required by the act to which this is an amendment.

Commissioners to  
meet, &c.

Compensation.

§ 5. Said road, when so located, shall be and the same is hereby declared a state road, and shall be opened four rods wide, and kept in repair as other state roads.

Declared a public  
road.

§ 6. This act shall be in force from and after its passage.

APPROVED Feb. 12, 1855.

AN ACT to amend chapter fifty five of the Revised Statutes, entitled Jails and Jailors. In force Feb. 12, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly*, That it shall be lawful for the sheriff of any county in this state, where there shall happen to be no jail or where the jail of such county shall be insufficient, to commit any person or persons in his custody, either on civil or criminal process, to the nearest sufficient jail of some other county; and it is hereby made the duty of the sheriff or keeper of the jail of said county to receive such person or persons so committed as aforesaid, and him, her or them, safely keep, subject to the order or orders of the circuit judge of the

Duty of sheriff  
when jail is in-  
sufficient.

circuit from which such process or order of commitment was issued, or till otherwise discharged by a due process of law.

Act repealed.

§ 2. So much of section twelve of the chapter to which this is an amendment as is in conflict with this act is hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage.

APPROVED Feb. 15, 1855.

in force Feb. 2, 1855. AN ACT to extend the jurisdiction of the county court of Peoria county.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That the jurisdiction of the county court of Peoria county is hereby so extended that said court shall have concurrent jurisdiction with the circuit courts in this state of all matters, suits and proceedings at common law, or by statute, in civil cases, (except actions in ejectment) within said county, and shall have concurrent jurisdiction of all misdemeanors punishable by fine only, not exceeding one hundred dollars, commenced otherwise than by indictment.

County courts to have concurrent jurisdiction with the circuit court.

Manner of process.

Judgments to have lien upon real estate.

Writs of error may be prosecuted from final orders to the supreme court.

Appeal from police magistrates to county court.

Court always to remain open.

Fees of jurors and other officers.

§ 2. The process of said court shall be issued and executed in the same manner as now provided by law, and said court shall have power to prescribe and make all necessary rules, regulations, practice and proceedings in said court not herein otherwise provided for; and all orders, judgments and decrees of said court shall have the same lien, force and effect upon the real and personal estate, and shall be enforced and collected in the same manner as orders, judgments or decrees rendered or made in circuit courts of this state.

§ 3. Appeals and writs of error may be prosecuted from all final orders, judgments and decrees of said court to the supreme court, in the same manner that appeals and writs of error are prosecuted from the circuit courts of this state.

§ 4. All appeals from the decisions of police magistrates and justices of the peace made or rendered in said county shall be taken to said county court.

§ 5. Said court shall always remain open for the transaction of business within the jurisdiction whereof it is hereby invested, and all such other business as said court is by law authorized to transact.

§ 6. The clerk, jurors, sheriff and other officers of said court shall receive the several fees and compensation that now

or hereafter may be allowed for similar services in the circuit courts of this state, to be received, collected and paid in like manner as such fees now or hereafter shall be.

§ 7. Said court shall have power to prescribe rules and regulations for the selection, summoning and empanneling jurors for the trial of all cases provided for in this act.

General powers and rules of the court.

§ 8. Any person or party to any suit or proceeding in said court may apply for a change of venue to the circuit court of said county, on filing a petition, supported by affidavit, that the county judge is prejudiced against him or them; and the provisions of this section shall apply as well to corporations, civil or municipal, as to persons; and upon such filing the said judge shall grant a change of venue to the circuit court of said county; and said cause shall thereupon be set down for trial in said circuit court the same as if originally commenced therein.

Persons may apply for change of venue to the circuit court.

To apply to corporations.

§ 9. The clerk of said county court shall tax and collect a docket fee of one dollar and fifty cents in each suit or proceeding heard and determined in said court, under the authority of this act, and when collected, shall be paid over to the judge thereof, as an additional compensation to that now provided by law.

The clerk to tax and collect a docket fee.

APPROVED Feb. 9, 1855.

AN ACT to amend the charter of the city of Peoria, and to establish and regulate a system of public schools in said city.

In force Feb. 15, 1855.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That there shall be elected biennially, in the city of Peoria, by the qualified electors of said city, seven inspectors of schools, to be denominated "The Board of School Inspectors," and the persons so elected shall be residents of said city, and shall hold their office for the term of two years, and until their successors shall be elected and qualified. The first election for such school inspectors shall be holden on the first Monday in April, A. D. 1855, and on the first Monday of April every two years thereafter. The meetings for such elections shall be notified and called, and the poll book opened and kept, the votes canvassed and returns made, in the same manner as the meetings for the election of mayor and aldermen. The seven persons having the highest number of votes shall be declared elected, and the city clerk, immediately upon the result of the election being made known by the proper returns, shall notify the several persons so elected, of their election.

Board of school inspectors to be elected.

When elected.

General duty of  
the school in-  
spectors.

Select a president

Term of office.

To execute bond,  
&c.

Money to be paid  
over, and how  
used.

Treasurer to keep  
an account of  
moneys received

To pay out mo-  
neys upon the  
order of the  
board.

Vacancies how  
filled.

§ 2. The board of school inspectors shall, within two days after the election, meet at some place within said city. The time and place of meeting may be notified, in writing, by any two of the persons so elected. When convened, the board shall organise by electing one of their number president, and appointing, by ballot, some competent person to be the secretary of the board, who may or may not be a member of the board, as the board shall determine. The board shall also appoint a treasurer, shall adopt some rule or regulation fixing the mode of calling future meetings of the board. The secretary shall keep a record of the proceedings of the board in a book, to be provided for that purpose, and shall do and perform such other duties in relation to the schools and education in said city as shall be required of him by the rules and regulations to be made and established by the board. The secretary and treasurer shall hold their offices for the term of two years, and until their successors shall respectively be appointed and qualified. The secretary and treasurer shall be subject to removal, for good cause, by a majority of all the members of the board; and in each of such removals the board shall appoint a competent person to fill the vacancy. The treasurer shall give bond, with good and sufficient securities, to the city of Peoria, such bond to be approved by the board of inspectors, in such sums as the board shall determine, but to be, as nearly as can be ascertained, in double the amount of all moneys that will, at any one time, come into his hands, and conditioned for the performances of his duties as such treasurer, and especially faithfully to keep, and from time to time pay over, all moneys that he shall receive as such treasurer as he shall be directed by the board, or required by law; and for any breach of any of the conditions of said bond, a suit shall be prosecuted for such breach or breaches, against the said treasurer, in the name of the city, under the direction and supervision of the board; and when any money shall be wanted thereon, it shall be paid over as the board shall direct, to be used and appropriated as other money in the treasury; but if the default was for the nonpayment or on account of the principal of the township school fund, it shall again become part of the principal of said fund. The treasurer shall keep a true and accurate account of all moneys received and paid out by him, for what purpose, and upon what and whose account; but he shall pay out no money except upon the order of the board. For all money paid out he shall take and file, with the papers of his office, proper vouchers; he shall settle his accounts with the board at least once in each year, and oftener if the board shall so require. If any vacancy shall occur in the board of inspectors between the times of the biennial elections, by

death, resignation, or removal from the limits of the city, the remaining members shall fill the vacancy by appointments, and the person so appointed shall hold the office until the next biennial election, and until his successor shall be elected and qualified; and he shall have all the powers, and be required to perform all the duties as if he had been elected to said office at a regular election.

§ 3. The treasurer and secretary shall be sworn to the faithful performance of their duties. To take oath.

§ 4. The board of inspectors shall have power, Powers of the board of inspectors.

- 1st. To erect, hire or purchase buildings suitable for school houses, and keep the same in repair.

- 2d. To buy or lease sites for school houses, with the necessary grounds.

- 3d. To furnish schools with what they shall deem necessary fixtures, furniture and apparatus.

- 4th. To establish, support and maintain public schools for all the children of the city, and shall annually cause to be submitted to the voters of the city the question of taxation for school purposes, in the manner hereinafter provided.

- 5th. To fix the compensation of teachers, and establish rules respecting their qualifications, and how the same shall be determined. To fix compensation of teachers.

- 6th. To prescribe school books to be used and the studies to be taught in the different schools.

- 7th. To lay off and divide the city into school districts, and from time to time alter the same, or create new ones, as circumstances may require. City to be divided into districts

- 8th. To establish schools of different grades, and such rules and regulations for the admission of pupils into the same, having regard to the ages and qualifications of such pupils.

- 9th. To appoint a board of three persons, in each school district, to be denominated the district directors, and prescribe, by established rules and regulations, the powers and duties of such directors. To appoint district directors.

- 10th. To appoint such other officers, committees or agents as they shall deem best and most conducive to the well being of the schools and of school education in said city.

- 11th. And generally to have and possess all the rights, powers and authority necessary for the proper management of the schools, and the funds belonging to city for school purposes, with power to make all such rules, orders and ordinances as may be necessary to carry their powers and duties into effect, and perfect a good system of public instruction and schools in said city. To possess powers necessary to carry into effect.

§ 5. It shall be the duty of the board of inspectors to make annual reports, in the month of November, setting Inspectors to make annual reports.

forth therein the number of public schools in the city, the number of scholars in each school, the several branches of education pursued in each, the expenditures for each school, the compensation paid to teachers, the condition of the school houses, from what source any funds have been received for school purposes, and what the condition of such funds, what are the accommodations furnished for the pupils, and making any other statements and suggestions what they shall deem proper to aid the cause of public schools and of education in the city. Said report shall be made to the city council, and the board shall also cause the said report, or such parts thereof as they shall judge best, to be published in some one or more newspapers published in said city.

Report to be made to city council.

Treasurer to receive moneys.

§ 6. The treasurer appointed by the board shall, under the direction of the board, demand and receive of the officer or officers having custody thereof, any interest or other money, from any school fund of the township or state, to which the city, the schools or the teachers would be entitled if this act had not been passed; and the money so received from such funds shall go into the treasury of the board of inspectors, and be used and expended under the order and direction of the board, for the support of schools and for school purposes, in the same manner as other funds that shall come into the treasury by taxation or otherwise.

No compensation

§ 7. No member of the board of inspectors, nor the secretary, shall receive any compensation for his attendance of the meetings of the board, nor for the performance of their ordinary duties; but for extraordinary services reasonable compensation may be allowed. The treasurer shall receive such compensation for receiving and disbursing money as the board of inspectors shall prescribe.

Amount of money to be determined.

§ 8. In the month of November in each year, and at least three weeks before the annual election of mayor and aldermen, the board of inspectors shall determine the amount of money, which in their opinion, will be necessary for the support of the public schools of the city the ensuing year, besides what will be received from any school funds, or from any source other than taxation; and they shall publish in some one or more newspapers published in the city, a brief statement of the amount expended for school purposes the preceding year, and the amount, which in their opinion, will be required to be raised by taxation for the support of the public schools the ensuing year, and also give notice in the same publication that at the next election for mayor and aldermen, the voters of the city will vote for or against levying a tax for the support of schools, and for school purposes; and at such next election the voters shall vote for or against a school tax, by having the appropriate words

To publish statement in newspaper.

To vote for or against school tax.

written or printed upon the ballots for city officers; and if it shall appear that a majority of all the voters voting on the question are in favor of such tax, then the amount so reported by the board of inspectors shall be assessed and collected in the same manner as the city taxes; and when collected shall be paid over by the collector to the treasurer of the board; but no greater amount than that fixed and reported by the board shall be assessed and collected.

§ 9. No school in said city, or the teacher or pupils thereof, shall receive any part of any school fund belonging to the state or township, or any money raised by taxation, that is not a public school, as provided for by this act, and established and maintained under the authority and direction of the board of inspectors.

School not to receive money belonging to state.

§ 10. No teacher of any public school shall receive any pay or compensation for his services in teaching any public school, who shall not have received a certificate of his qualifications from the board of inspectors, or from such other persons as the board shall authorize and empower to examine teachers and give certificates of qualifications.

Teachers.

§ 11. The several teachers of said public schools shall keep schedules of the pupils attending the schools, and of their attendance, &c, as is now required, or may hereafter be required of teachers of schools by law; and the said board of inspectors shall make return and report to the state superintendent of public schools, on all such matters and things as is or shall be required by law and the direction of such superintendent of any county or township officers; and shall make such other report as township officers are, or may be required to make by virtue of any law of this state.

Teachers to keep a schedule.

§ 12. Any act of the general assembly now in force, or hereafter to be enacted for creating and establishing a state system of public schools, shall not be construed in any manner to repeal, alter or change any of the provisions of this act, unless such act shall specifically provide for such repeal, alteration or change.

Not to repeal or alter.

§ 13. The board of inspectors may establish a school or schools for the people of color in said city, on such a basis, and under such rules, regulations and restrictions as they shall deem just and proper relative to the amount of taxes paid by the colored population.

Schools for the people of color.

§ 14. This act is declared to be a public law, and shall take effect and be in force from and after its passage.

APPROVED Feb. 14, 1855.

In force Feb. 15, 1855. AN ACT to amend an act entitled "Fees and Salaries" approved March 3d, 1845, and an act amendatory thereto, approved February 12th, 1849.

Witness fees.

Deposition.

Proviso.

Fees of constables

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the General Assembly,* That every witness attending in his own county upon trials in the circuit court shall be entitled to receive the sum of one dollar for each day's attendance. For attending in a foreign county, going and returning, accounting twenty miles for each day's travel per day, one dollar. Every witness when attending for the purpose of having his deposition taken, one dollar per day: *Provided*, that no allowance or charge shall be made for the attendance of witnesses aforesaid, unless the witness shall make affidavit of the number of days he or she actually attended, and such attendance was at the instance of one or both of the parties, or his or her or their attorney. Every constable who is not a deputy sheriff when summoned by the sheriff to attend the circuit court, shall be allowed the sum of one dollar and fifty cents per day for each day's attendance on such court, and no more.

§ 2. This act shall be in force and take effect from and after its passage.

APPROVED, Feb. 15th, 1855.



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